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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we believe that You will never fail or forsake us, but help us to never take Your love and faithfulness for granted. Empower our Senators to be good stewards of the many blessings and of the responsibilities and opportunities You have given them. Lord, open their minds and give them a vision of the unlimited possibilities available to those who trust You as their guide. Incline their ears to hear Your voice and fill them with Your power, O Lord of Hosts. You are the King, eternal, immortal, invisible, who alone is wise. You deserve the honor and glory forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in morning business for an hour. The Republicans will control the first half and the majority will control the final half. Following morning business, the Senate will begin consideration of H.R. 2832, which is the Generalized System of Preferences Act that is a vehicle for trade adjustment assistance that we are going to be working on.

We are going to recess today from 12:30 until 2:15 p.m. for our weekly caucus meetings.

At 2:30 p.m. today, Senator HELLER will be recognized to deliver his maiden speech in the Senate.

We will work through amendments to trade adjustment assistance. I will notify Senators when votes are scheduled.

SENATOR LAMAR ALEXANDER

Mr. REID. Madam President, I see on the floor today my friend LAMAR ALEXANDER from the great State of Tennessee. I just received a news flash that he was going to relinquish his leadership position and stay in the Senate and run for reelection. I do not know all the reasons for his doing this, but I want the record to be spread with the fact that I have found LAMAR ALEXANDER to be one of the most thoughtful people I have ever served with in the Senate. There are many issues he gets no credit for that were resolved because of his ability to see the big picture.

We had this big issue dealing with the so-called nuclear option, as to what would happen in the Senate with some of our rules changes. He stepped in, completely out of the limelight, and because of his idea we resolved that issue.

There are many other examples such as that. He is a unique person in this body. He accomplishes a great deal and gets credit for not a lot, and that is unfortunate. But that is who he is and who he has always been. I know he will continue being a stalwart in the Senate. I look forward to working with him, but I look forward mostly to his sense of fairness, which he has been so very exemplary during my time with him in the Senate.

DON'T ASK, DON'T TELL

Mr. REID. Madam President, 60 years ago this Nation's Armed Forces were segregated by race. Thirty-five years ago women were not allowed to attend our Nation's military academies. Until today—in fact, last night at midnight—thousands and thousands of qualified, dedicated men and women were barred from military service or expelled from the Armed Forces because they were honest about their sexual orientation. Today I am glad to say the time has passed when Americans, willing to give their lives to defend this great Nation, could be turned away from service because of who they loved. Today, don't ask, don't tell is no longer the law of the land. For 17 years we have asked our soldiers to defend a flag that stands for liberty and justice for all, and then required some of those soldiers to keep who they were a secret. In too many cases we have robbed them of their right to fight for their country altogether.

Listen to this staggering number: More than 13,000 American

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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servicemembers have been discharged because of this law. The law has been in effect just a short period of time but more than 13,000 have been discharged because of this law which institutionalized discrimination against openly gay soldiers, sailors, marines, and airmen. I say ''openly gay.'' This wasn't the case. Some were suspect. There was a long interview on Public Broadcasting this morning about a woman who was discharged at age 22 because of someone reporting they had seen her in a bar with another woman. We will never know how many people; that is, capable men and women, were never offered patriotic service. They could not because the law exposed them to career-ruining discrimination. We have the 13,000-plus, plus thousands of others who said there is no need to do this because I would have to live a lie.

The military's highest commanders and a vast majority of servicemembers agree our fighting force is better off knowing we will have the best and brightest volunteers, regardless of sexual orientation, race, ethnicity, religion, or gender. There is no place for intolerance in our great Nation and certainly not in our Armed Forces tasked with protecting them.

I am happy to say that today our military policies and our national values are in line. From today forward, no qualified man or woman willing to fight for a nation founded on the principles of tolerance and equality will ever again be denied the right to do so.

FEMA

Mr. REID. Madam President, on Wednesday the House, we are told, will send us a continuing resolution to fund the government through November 18. I was disappointed to see the House shortchanged the Federal Emergency Management Agency. We have been told specifically what they intend to do and it is a real shortchange, by failing to provide the funding to adequately help Americans whose lives have been devastated by floods, hurricanes, and tornadoes. It is staggering to understand the depth of the concern people have.

Yesterday morning I received a call from KENT CONRAD, Senator from North Dakota, who proceeded to explain to me about a city in North Dakota by the name of Minot, a town of about 40,000 people. Twenty-five percent of the homes in Minot, ND, are underwater. Most of those underwater are ruined forever. These are not big mansions. They are homes people have lived in, sometimes for a very long period of time.

Yesterday I was speaking to Senator HOEVEN, who certainly knows North Dakota as well as anyone. He served as Governor there and is now in the Senate. We were talking about the flood. Of course, one of the things people are saying is: Why didn't Congress and the President plan for all this? As Senator HOEVEN described in some detail, how do you estimate something that has never, ever happened before? Not a 50-year flood took place in North Dakota, not a 100-year flood, not a 500-year flood—it is something that has never happened, ever. This in spite of the fact that they built some dams, even some in Canada, to stop the flooding. It didn't matter, this was so immense. It had never happened before in North Dakota. A sparsely populated State has been devastated by these floods—natural, you say, but certainly unusual floods that have ravaged that State.

That is not the only State. Many States have been hammered hard. Who would ever have thought, a year ago, that a relatively small community, Joplin, MO, would be hit by almost 300-mile-an-hour winds. The winds didn't just whip through, they roiled around there for such a time that they basically destroyed that town.

There are many other examples of what has happened, being unable to determine what would happen in the future. Suffice it to say we provided funds last week here in the Senate to help Americans whose lives had been devastated by floods, hurricanes, tornadoes, and other natural calamities. In a bipartisan bill for FEMA and other agencies, we passed that help disaster victims need—an additional $6.9 billion. That is probably not enough, frankly. After the Appropriations Committee did their work, reported the bill out, a bill of some $6 billion, I asked the different subcommittees to find out what additionally was needed. They came back with another $3 billion. We pared that down because we wanted to keep within the agreement we had from the Deficit Reduction Act which set that at $7 billion, and we are slightly under that. That is why we came in with that figure.

That funding, $6.9 billion, while it does not give everyone everything, will help rebuild after several costly natural disasters, not the least of which is Hurricane Irene.

Tomorrow when the Senate receives the House bill to fund the government for 6 more weeks, we will amend it with the language the Senate passed, the Senate FEMA legislation. This year President Obama has declared disasters in all but two States, and FEMA is quickly running out of money to help American families and communities recover.

I talked to Mr. Fugate, the head of FEMA, last Thursday. He said they have enough money to last probably until September 25th. That is even on a very narrow plane that they are working on. They have stopped the work in Joplin, MO. They have stopped the work because of the devastation that happened in the gulf previously. The only money they are spending now deals with Tropical Storm Lee and Hurricane Irene. They have no more money. They are out of money. So it is desperate.

I know this amendment will enjoy the support of my Republican colleagues as it did last week. We had 10 who stepped forward and it was very important that they did that. Last week, a bipartisan group of Senators agreed that helping communities destroyed by natural disasters was too important to let politics get in the way.

PROTECTING THE MIDDLE CLASS

Mr. REID. Madam President, Americans have sent a message to Congress that no issue is more important to them than jobs. But for Republicans, job creation is less important than slashing spending on initiatives that create jobs and the Social Security and Medicare benefits seniors have earned. Democrats believe we can reduce the deficit without abandoning job creation. We can make smart, strategic cuts that will not further slow down our struggling economy, while protecting and advancing initiatives that create jobs. That is why President Obama has released detailed proposals to create 2 million jobs now while reducing the deficit by more than $4 trillion over the next decade.

But many Republicans have criticized both proposals even before looking at their substance. It seems they are more concerned with protecting millionaires, billionaires, hedge fund managers, and private jet owners than fighting for the middle class. They claim it is class warfare to ask the wealthiest 400 Americans who made an average, these 400, of $271 million each to pay the same tax rate as librarians, police officers, air traffic controllers, and others—secretaries, as Mr. Buffett talked about.

The truth is, Republicans are just defending the economic policies that besieged the middle class for years. It is class warfare to ask middle-class Americans to get by on less while those same 400 Americans are paying less than 18 percent in their taxes, lower than the secretaries and janitors who work for them.

Let me explain this as well as I can. We will do whatever it takes to protect the middle class and seniors, even if it means the richest of the rich in America have to contribute a little bit more than they do now. We will fight for the policies that create American jobs even if it means CEOs and hedge fund managers making hundreds of millions of dollars every year have to contribute the same amount as teachers or firefighters, whose salaries are a fraction the size of theirs. It is simple fairness.

With 14 million Americans out of work, we have 14 million reasons to put job creation ahead of tax breaks for millionaires and billionaires. As the economist and former Labor Secretary Robert Reich said:

> True patriotism isn't cheap. It's about taking on a fair share of the burden of keeping America going.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRADE PROMOTION AUTHORITY

Mr. MCCONNELL. Madam President, everyone knows the top issue on the mind of most Americans right now is jobs. What I have said is that the one thing we could all do right now to help spur job creation is to pass the three free-trade agreements with Panama, Colombia, and South Korea. Republicans in Congress have been urging the President to pass these agreements for nearly 3 years. Yet they have languished on his desk for no good reason. It is time to send them up so we can act. At a moment when 14 million Americans are looking for work, it is indefensible for the White House to demand a vote on trade adjustment assistance as a condition for action.

Still, I and others have agreed to allow it so we can finally move ahead on these vital trade deals. It is my expectation, based on the understanding I have with the administration, that the President will stop dragging his feet soon and submit all three of them for a quick approval. At long last, U.S. businesses that want to expand here at home but which have been held back by the President's refusal to act will be able to compete on a level playing field in these markets, and it will create jobs in the process. These agreements, while helpful, are not enough.

In order to create the kind of jobs we need, we need more trade deals than these three. That is why I have been a strong advocate for granting this President the same trade promotion authority every other President has enjoyed since 1974. Also known as fast track, TPA creates expedited procedures for congressional consideration of trade agreements that the administration negotiates with our trading partners. TPA has long had bipartisan support and led to numerous trade agreements with 17 new countries during the Bush administration, including the 3 we hope to consider shortly.

Unfortunately, Democrats and their union allies allowed TPA to expire in 2007. This President has made no effort whatsoever to revive it. Without TPA, the United States will likely never agree to another deal. The unions will make sure of that. We have seen what happens next. After the North American Free Trade Agreement passed in 1993, TPA expired, and in the 8 years that followed the United States did nothing, while other countries moved ahead integrating themselves in the global economy. We cannot let that happen again. We cannot miss more opportunities to compete in foreign markets with U.S.-made products just because unions do not want to.

Consider this: According to the Business Roundtable, while our trade agenda has lapsed, the European Union is negotiating 16 trade agreements with 46 countries. Japan is negotiating 7 agreements with 38 countries, and even China is negotiating 11 agreements with 18 countries.

What about the United States? We have signed none since this administration began, and we are actively negotiating only one, a pact that will open opportunities to American businesses and workers across the Pacific Rim. I and many of my colleagues and many of our allies overseas want to know what is the President's plan to enact that one deal if he does not ask for, has not received, and does not even seem to want trade promotion authority; is he ready to watch all these opportunities vanish? We cannot allow these opportunities for American jobs to simply drift away.

We must reauthorize TPA, along with TAA. Historically, TPA and TAA have moved together; in 1974, when TPA was created; in 1988, when it was reauthorized; and again in 2002, when TAA was expanded to its current prestimulus levels. That is why I am offering an amendment that will grant this President trade promotion authority through 2013. It is the same term the Democrats are insisting we reauthorize trade adjustment assistance. My amendment builds into it the same accountability to Congress and the need to consult with Congress that previous TPAs have had. It is based on legislation offered by a bipartisan pair of trade leaders, Senator PORTMAN and Senator LIEBERMAN.

We are going to hear Democrats arguing we have not had enough time to carefully consider this expansion of trade promotion authority and work on the negotiating objectives we generally include in the bill. I would remind them I first called for TPA last May. Since that time, I have heard nothing from my Democratic colleagues or the White House about their interest in renewing this authority. There has been zero outreach. When I suggested I would be willing to support an extension of TAA if we could reauthorize TPA, there was nothing.

In my view, if the White House will not show leadership on this issue, if they are too worried about owning other free trade agreements or as being seen by some of their allies as promoting them too aggressively, it is my view we ought to help them get there. That is why I am offering this amendment to show the world some in Congress are ready to move forward and lower the barriers that keep American goods out of foreign countries and which American consumers all benefit from our integration into the world economy.

With 14 million Americans out of work and thousands of Americans looking for opportunities to sell American-made goods around the world, we cannot afford to wait, as we did on these three free-trade agreements, while the administration makes up its mind that American jobs are more important than appeasing their union allies.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee.

STEPPING DOWN FROM REPUBLICAN LEADERSHIP

Mr. ALEXANDER. Madam President, I thank my friend of 40 years, the Republican leader, for being here for these remarks I am about to make. I thank my colleague, Senator CORKER, and several other of my Republican colleagues for, on very short notice, coming to the Senate floor for these brief remarks.

Next January, following the annual retreat of Republican Senators, I will step down from the Senate Republican leadership. My colleagues have elected me as Republican conference chairman three times, and I will have completed 4 years or the equivalent of two 2-year terms at that time. My reason for doing that is this, stepping down from the Republican leadership will liberate me to spend more time trying to work for results on issues I care the most about. That means stopping runaway regulations, runaway spending, but it also means confronting the timidity that allows health care spending to squeeze out support for roads, support for research, support for scholarships, and other government functions that make it easier and cheaper to create private sector jobs.

I wish to do more to make the Senate a more effective place to address serious issues. For 4 years in our caucus, my leadership job has been this: to help the leader succeed, to help individual Republicans succeed, to look for a consensus within our caucus, and to suggest a message. I have enjoyed that. However, there are different ways to offer leadership in the Senate, and I have concluded, after 9 years, this is now the best way for me to make a contribution.

It boils down to this: Serving in this body, as each one of us knows, is a rare privilege. I am trying to make the best use of that time while I am here. For the same reason, I plan to step down in January from the leadership, I will not be a candidate for leadership in the next Congress. However, I do intend to be more, not less, in the thick of resolving issues, and I do plan to run for reelection in the Senate in 2014.

These are serious times. Every American's job is on the line. The United

States still produces about 23 percent of the world's wealth, even though we only have about 5 percent of the world's people. All around the world people are realizing there is nothing different about their brains and our brains and their using their brain power to try to achieve the same kind of standard of living we have enjoyed in the United States.

As a result of this, some have predicted that within a decade, for the first time since the 1870s, the United States will not be the world's largest economy. They say China will be. My goal is to help keep the United States of America the world's strongest economy.

There are two other matters that are relevant to the decision I am making that I would like to address. The first is this: When I first ran for the Senate in 2002, I said to the people of Tennessee—and they were not surprised by this—that I will serve with conservative principles and an independent attitude. I intend to continue to serve in the very same way.

I am a very Republican Republican. I grew up in the mountains of Tennessee and still live there in a congressional district that has never elected a Democrat to Congress since Abraham Lincoln was President of the United States. My great-grandfather was once asked about his politics. He said: I am a Republican. I fought for the Union, and I vote like I shot.

I have been voted five times by Tennessee Republicans to serve in public office. I have been elected three times by Senate Republicans as conference chair. If I could get a 100-percent Republican solution of any of our legislative issues, I would do it in a minute. I know the Senate usually requires 60 votes for a solution on serious issues, and we simply cannot get that with only Republican votes or only Democratic votes.

Second, by stepping down from the leadership, I expect to be more, not less, aggressive on the issues. I look forward to that. The Senate was created to be the place where the biggest issues producing the biggest disagreements are argued out. I don't buy for 1 minute that these disagreements create some sort of unhealthy lack of civility in the Senate. I think those who believe the debates in our Senate are more fractious than the debates in our political history simply have forgotten American history. They have forgotten what Adams and Jefferson said of one another. They have forgotten that Vice President Burr killed former Secretary of Treasury Alexander Hamilton. They have forgotten that Congressman Houston was walking down the streets of Washington one day, came across a Congressman from Ohio who had opposed Andrew Jackson's Indian policy and started caning him, for which he was censured. They have forgotten there was a South Carolina Congressman who came to the floor of the Senate and nearly killed, by hitting him with a stick, a Senator from Massachusetts. They have forgotten that another Senator from Massachusetts, named Henry Cabot Lodge, stood on the floor and said of the President of the United States, Woodrow Wilson: I hate that man. They forgot about Henry Clay's compromises and the debates that were held during the Army-McCarthy days. What of the Watergate debates? What of the Vietnam debates?

The main difference today between the debates in Washington and the debates in history are that, today, because we have so much media, everybody hears everything instantly. If one would notice, most of the people who are shouting at each other on television or the radio or the Internet have never been elected to anything.

It would help if we in the Senate knew each other better across party lines. To suggest we should be more timid in debating the biggest issues before the American people would ignore the function of the Senate and would ignore our history. The truth is, the Senators debate divisive issues with excessive civility.

I have enjoyed my 4 years in the Republican leadership. I thank my colleagues for that privilege. I now look forward to spending more time working with all Senators to achieve results on the issues I care about the most—issues that I believe will help determine for our next generation what kind of economy we will have, what our standard of living will be for our families, and what our national security will be.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, I would say to my friend of 40 years that even though there are a number of colleagues on the Senate floor, I am confident we all agree this is not a eulogy in which we are about to engage. Really, I have a great sense of relief that my friend is going to run again in 2014 and continue to make an extraordinary contribution to the Senate and to America.

When I first met LAMAR he was at the White House. I had just come here as a legislative assistant to a newly elected Senator. He had already accomplished a lot. He had been elected Phi Beta Kappa at Vanderbilt and graduated from New York University Law School. He had clerked for a well-known circuit judge, been involved in Howard Baker's first campaign, had helped him set up his first office, and that was before I met him.

Since I have met him, as many of my colleagues are already aware, it is hard to think of anybody—it is hard to think of anybody—who has done more things well. He went home in 1970 and ran a successful campaign for, I think, the first Republican Governor of Tennessee elected, certainly, since the Civil War. He ran for Governor himself in a very bad year in 1974. It didn't work out too well. But one of the things we know about our colleague LAMAR is that he is pretty persistent. So he tried it again in 1978. He was elected Governor, reelected Governor in 1982—a spectacular record.

Then he did something very unusual. I remember knowing about it at the time. I kept up with him since we had met years before when we were in Washington. He took his entire family and went to Australia for 6 months. He put the kids in school there and actually wrote a book called ''Six Months Off,'' which I read then. I don't know how many books Senator ALEXANDER sold, but it was a fascinating review of basically just taking a break, going somewhere else, doing something entirely new before getting back on the career treadmill that we, of course, knew he would do.

So once the Australian experience was over, this extraordinarily accomplished and diverse individual became president of the University of Tennessee. That was back when they used to play football, and then-President Bush 1 asked him to become Secretary of Education. So he was a Cabinet member.

Oh, by the way, I think I left out that at his mother's insistence he became quite proficient at piano. He is a fabulous piano player and musician. My mother let me quit. That was the only mistake she made in an otherwise perfect job of raising me. But Senator ALEXANDER's mother, by insisting that he continue to take piano, gave him that dimension as well.

So here we have a guy who has been Governor, president of his university, a member of the Cabinet and, as if that were not enough, he went into the private sector and started an extraordinarily successful business, which did very well. I expect our colleague from Tennessee thought his public career was over, but then Fred Thompson decided he wanted to go do something else. All of a sudden he was in the Senate—not just in the Senate but then became a leader in the Senate in a very short period of time.

We have had an opportunity to get to know our colleague. It is hard to think of anybody more intelligent, more accomplished, as well as more likeable than LAMAR ALEXANDER.

So I must say to my good friend from Tennessee, I am relieved he is not leaving the Senate. This is not a eulogy, but it is an opportunity for those of us who have known and admired the Senator from Tennessee for a long time to just recount his extraordinary accomplishment during a lifetime of public service. It has been my honor to be his friend, and I will continue to be his friend, and I am glad he will continue to be our colleague.

I yield the floor.

Mr. ALEXANDER. Madam President, I thank the Republican leader. I am deeply grateful for his comments, with one single exception. I have great confidence in Derek Dooley. He is a fine

football coach at the University of Tennessee. They are playing very good football, and I intend to be at my usual seats at the Georgia game in 2 weeks.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Madam President, I wish to say to my colleague I certainly have enjoyed his comments, and I am excited for him. I sit very close to him in the Senate, and I am with him a great deal. I do plan on keeping a cane out of the reach of my colleague for a few days.

I very much appreciate his service and leadership to the Republican Party in the Senate. I think in his position he has brought out the best in all of us in the best way he could. I am excited for him. I look at this as a great day for the Senate. It is a great day for our country. This is a great day for the State of Tennessee.

I can tell my colleague, based on the conversations we have had and the way I know my colleague, the Senate is going to become very quickly a more interesting place to serve. For all of us who have been concerned about our lack of ability to solve our Nation's greatest problems, I look at what the Senator has done today as a step in the direction toward us being able as a body to more responsibly deal with the pressing issues he outlined in his talk.

So I thank my colleague for having the courage to step down from a position that many Republican Senators would love to have. I thank my colleague for the way he serves our country. I thank him for the example he has been to so many in his public service in our State and in our country, and I thank the Senator for being my friend.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Madam President, I rise today to echo the comments of colleagues earlier about the contribution of LAMAR ALEXANDER, our friend and colleague, as well as somebody who has had an impact not just on the State of Tennessee but on the United States of America. I think one of the toughest things a Member of the Congress can do is to, No. 1, step down from leadership, or, No. 2, voluntarily leave the body.

I think it says more about LAMAR ALEXANDER than any comments that can be made; that he understands where he is going, and I think he stated it very well. His contribution to the future of this country is what he is most concerned with, and that is why this country is blessed to have leaders such as he. We welcome him back into the ranks of the normal, the general population of what has been the asylum of late. I hope LAMAR will be a great influence in our ability to get the body of deliberative debate and participation back, and that is certainly his quest.

One of his passions, though, is education. I was shocked he didn't mention that in his litany of areas he would delve into. But I know earlier last week he and I and others introduced five reforms to K–12 education.

When we talk about the future, whether it is Senator ALEXANDER or myself or others, we say the future of this country is conditional upon how well we educate the next generation and how we make sure the next generation has the foundational knowledge they need to compete in a 21st-century economy.

I think it is safe to say today our record is not good. Just 70 percent of our high school seniors graduate on time. Let me say that again: 70 percent of our high school seniors will graduate on time. Many of those will never go back. They will not cross the goal line. In today's economy, their likelihood of being invited for a job interview is slim to zero.

We have Federal laws that require an employer to accept an application from whoever walks in the door. However, when it gets down to the interview process, I can assure my colleagues that when employers look at that résumé and it doesn't have high school graduation on it, they will certainly invite others who at least have that threshold of education, if not further degrees. So I think we owe it to the next generation to be candid with them and tell them that this is a minimum to have an opportunity for unlimited success.

If we ever get to a point that this is not about an opportunity of unlimited success, America will have changed greatly, and I think that is one of the passions Senator ALEXANDER has. That is why he is so involved in issues such as education and why he is willing to sacrifice leadership for greater involvement in the policies.

In the bills we introduced last week, there were two that LAMAR and I did together. Let me share with my colleagues what those bills do.

Today, we have 97 authorized programs and 59 of them are funded. They are all funded individually. That means we make money available to a State and consequently to a school district. But their requirement to access that money is they have to do exactly what we structured in the program. Many schools do not need that program, and they forego that money. Yet on the Senate floor we have debated frequently the need to get more resources into especially at-risk school districts to bolster that foundational education.

We simply leave title I alone—it is targeted at a specific population—but we take all these other 59 programs that were funded last year and meld them into two pots of money: One pot is designed for improvement in teaching and learning; the other pot is designed for safe and healthy student block grants.

You might say: Well, what if a school system does not need a fund for improvement of teaching and learning, but they do need more money for safe and healthy students? We allow 100 percent transferability between those two areas. So if a school system purely needs teaching and learning, and they want to focus on all of that, they will take that safe and healthy student block grant money and put it over into teaching and learning. By the same token, for school systems that might not see the benefits there, but they have a growing title I population, we allow 100 percent transferability up to the title I program.

What are we trying to accomplish? We are trying to do what school systems have told us year after year, decade after decade: Give us more flexibility. Let us decide what it is we need for our students to learn. This is not about input. This is about output. This is about focusing on how we improve education to where every child crosses that goal line of success; that then the foundational knowledge base is so great that they are marketable in whatever direction our economy decides to go.

The challenge for us—a lot like what Senator ALEXANDER did today; he gave up power, a position in leadership—it means the Congress has to give up the power of deciding exactly how every school system is going to implement programs. We have to be big enough to realize that the one-size-fits-all structure from Washington does not work; that every school system in America is a little bit unique; and, yes, we recognize the fact that not every State is necessarily the best fiduciary of the funds. This legislation only requires the States to siphon off 1.5 percent of the money. We are not going to build a palace or create a bureaucracy in State capitals in education off of these programs anymore. The intent is to take this money and put it into the classroom; make sure the skills of the teacher are better; make sure, in fact, we are teaching teachers the right way to teach today.

I know we are not allowed to have electronics on the Senate floor. We hide them in our pockets real well. Kids are not allowed to have electronics in school. They hide them in their pockets real well. When we all leave where it is prohibited, this is the first thing we pull out of our pockets. We check our messages. We check sports scores. We check the news. Some of us old people make phone calls. But we have a generation that does nothing but text.

They are different than I am. I am a little bit different than LAMAR. Every generation is going to be different. But walk in a classroom today, and the first thing a teacher says is, Open your book to page 44. Yet in between the covers of a book we have a generation that has never delved into it. They have gone between the covers of their iPad, their Kindle, their PDA in their pockets. They read books, they play games, but they do it in a different way.

It is time for us to recognize the fact that they learn differently because they communicate differently. Our ability is to take somebody my age who still has a passion for the classroom and to change the way they teach

through how we take them through continuous education. You see, effectiveness is, in part, connecting with the people we are trying to teach. If we do that in the right way, we are going to be successful.

I am not trying to create the model in Washington and to say to the States and localities: Here is the only way you can do it. We are trying to give them the flexibility of the money, and let them design the programs they think will work. Again, with that, though, it requires us to let go of that power of accountability. There is no reason for Washington to be accountable for every K–12 system in this country. We can be a partner, and I think the appropriate role is a financial partner. But as to accountability, I do not want to be in Washington determining whether a school is a pass or a fail or whether a teacher is highly qualified. At best, it is arbitrary that we would come up with something.

I want to empower communities, I want to empower parents, I want to empower the business community to say: You determine success and failure. I want to empower principals and administrators: You determine whether teachers are qualified.

I do not want to sit in Washington and define how pharmacists who have lost their passion to work in a drugstore cannot shift over and become chemistry teachers in a high school because I have determined they are not qualified to do it. Yet, day in and day out, I would go into the pharmacy, and I would allow them to compound drugs for me. But they cannot go in a classroom and explain to kids how that works or, more importantly, how the interaction of compounds actually happens. That is not my role. It is not our role. Our role is to encourage, by making sure the tools are there for those closest to the problem to come up with solutions.

Well, what we did last week was a minor step in the right direction. I hope my colleagues will look at the legislation and will entertain cosponsoring it. I hope the Secretary of Education will look at it, even though we have had conversations that have continued since the first of the year, and we have a ranking member and a chairman engaged in the reauthorization of elementary and secondary education right now. I hope we influence their ability to get some type of an agreement.

But I think it is also important to understand that within the context of this issue are things that all of us know work. Let me give you a couple examples.

Senator KIRK introduced a bill on expansion of charter schools. Why is that important? It is not important because we simply want to create competition with the public model. Charter schools have become an incubator of new ideas, of new ways to teach.

In Houston, TX, some former Teach for America students created KIPP Academy and immediately had such success that they exported KIPP Academy to New York. Their intent was to go from New York to Atlanta, and somehow they happened to stop in Northampton County, NC, in a little town called Gaston. It is in the middle of nowhere. But like all of North Carolina, it is beautiful. Its students are at risk. There is no economic driver in that county. But for some reason, KIPP stopped there and created a school. Now we have taken underperforming students and through KIPP all of them excel.

I can take you to Charlotte, NC, where KIPP finally found a home and was located next door to the elementary school. There is no way anybody can claim they draw from a different population. They draw from the same school neighborhood. Yet if we compare KIPP to the traditional elementary school next door, the performance of those students is off the charts. At some point, we have to look at it and say: This model works. How do we replicate it? But we are hung up in that one is public and one is charter.

Well, let me tell you, if we could replicate all of them to be KIPP, I would not care what we call them, and I would care less about how we funded them. I would only care about the outcome, how many students have the education foundation we need. In KIPP's case, it is almost 100 percent.

One big component of KIPP is the fact that they plug in to Teach for America graduates, teachers who enter the system knowing that for a period of time their agreement is they are going into at-risk areas; they are going in dealing with students ''somebody'' has deemed hard to complete the process. They go in with a different passion. They do not go in surprised with the makeup of the students in their classroom on the first day. They go in expecting this job to be tough, knowing their creativity and their innovation is going to be challenged.

What we have found so far is that for those Teach for America graduates, they end up staying longer than, in fact, the contractual period of time. They find it is much easier, but also much more satisfying, to take the most at risk and to make sure they have that education foundation that is needed.

That is incorporated into these bills. It is not just left to a simple line item that, in this particular case, I think, has been zeroed out in the President's budget. But it can be incorporated into this where we cannot only fund but we can expand Teach for America. With Senator KIRK's bill we can expand what KIPP is doing. We can challenge other individuals in other areas of the country to create KIPP-like models that work.

My challenge today is to assure all Members of the Senate and all Americans. Our kids deserve us to try. We have been dictating from Washington for decades, and we continue to see 30-plus percent of our kids not reach that goal line. If they do, they do it in a way that is not necessarily advantageous to their future.

If we want our country to continue to prosper, if we want to continue to be the innovator of the world, then we have to create a pool, a generation of kids, where 100 percent of them are prepared to compete. I think that is exactly why Senator ALEXANDER stated he was willing to give up the rein of leadership, to be more integrally involved in the solutions that are crafted on this floor and in this Congress. That is why I said earlier, America has benefited because we have people such as LAMAR ALEXANDER here.

I am convinced that over the next several months, the reauthorization of elementary and secondary education will be front and center. I can only ask my colleagues that they spend the time looking at some of the suggestions that are on the table already. Authorship means nothing to me. It is outcome. Change the bill in a way that still stays within this framework—I will be a cosponsor of anything. Start to make Washington more dominant in the control of how the money is used or what the programs look like—I have been there. We have tried that. Not only does it not work, educators have told us it is increasingly more frustrating for them and they will drop out of the system.

We have to create a system that is a magnet for talent, a magnet for people who are as passionate as LAMAR ALEXANDER, something that gives us hope in the future that our kids have a better chance of succeeding than they have had over the past few decades. I think the Empowering Local Educational Decision Making Act of 2011 is a start, and I think the next generation is worth the investment of time on the part of our Members to look at this legislation and to get behind it.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEMA FUNDING

Mr. SCHUMER. Madam President, first, I would like to talk a little about the upcoming FEMA bill. As I understand it, the House intends to send us a CR with FEMA funding only at the level of $3.65 billion, which is a level that is completely inadequate to meet FEMA's needs. They intend to put $1 billion in for 2011, which is more than is actually needed in 2011, but then they ask that it be paid for with $1.5 billion, which is not the way mathematics is supposed to work.

The real problem is that the total amount of $3.65 billion is inadequate given the terrible tragedies we have had over the last several months and years. We are still rebuilding from Katrina, the Joplin tornado was devastating, and, of course, the storms that hit the Northeast, including my beloved State of New York, were just awful. Just in New York State alone, it is estimated that cleanup costs will be closer to $2 billion. So you can imagine that $3.65 billion is not even close to enough.

The good news is what we intend to do here under the leadership of Majority Leader REID, which is to take the CR they send us and add to it the very bill that passed last Thursday night, which adds approximately $7 billion to FEMA. That is the amount of money that is needed. It adds some money to the Army Corps of Engineers, the U.S. Department of Agriculture, and other places the Governors of the States have told us are needed. And given the fact that 10 Republicans voted for it, we have every expectation that amendment will pass and we will send it back to the House. So the House should understand there will be a measure to adequately fund FEMA, and we will do that this week. Again, we have every expectation that the 10 Republican Senators who voted with us last Thursday night will cast the same vote on the same exact measures because the disasters in their States are not any less this week than they were last week.

BUDGET DEFICIT

I also wish to address the President's proposal on the budget deficit, particularly on the tax side, and the many arguments being tossed around by many of our colleagues on the other side of the aisle.

Yesterday, the President put forward a blueprint for the joint committee to consider this fall, and it included a very commonsense principle; that is, those very few among us who are fortunate enough to make over $1 million a year should pay the same effective tax rates at the end of the day as middle-class households.

A number of Republicans rejected the President's plan before he even announced it. As soon as it was suggested that we should ask the wealthiest few among us to pay their fair share, many on the other side began labeling it class warfare. Apparently, they think they can slap that old label on the President's proposal and be done with it. But their refusal to address the proposal on the merits is revealing. They know they will lose any argument about the policy itself because it makes sense economically and because the American people support it. Even Republicans in the country—59 percent in a recent poll I saw—support the wealthiest among us paying a fair share and support not giving them the continued Bush tax breaks at a time when we have record deficits and we are asking everybody else to sacrifice.

This is, emphatically, not class warfare. It is not class warfare to fight for the middle class, that is for sure. It is not class warfare to say we need funding for roads and bridges and teachers and that the wealthiest among us should pay their fair share to do it. Let me ask a question, Madam President. Is it class warfare when Republicans advocate tax cuts for the wealthy? Do we call that class warfare?

The debate about the progressivity of the Tax Code has existed for over 100 years in this country, and there are different policy prescriptions. Most Democrats and most Americans believe the wealthy don't pay their fair share. That is not to begrudge the money they have made. There are a lot of wealthy citizens in my State, and I am proud of them. I am proud they made a lot of money. And many of them believe they should pay a fair share. It is not just Warren Buffett. It is not class warfare to ask that. It is not class warfare to advocate tax cuts for the wealthy or tax increases for the middle class. That is not class warfare. To try to call it this name is unfair.

Let me make a second point. We have a need to do this. The President is not proposing things such as the Buffett rule out of vengeance. He said yesterday: ''It's not because anybody looks forward to the prospects of raising taxes or paying more taxes.'' But we do have a consensus that has been reached here—it is one of the few—that we should reduce the deficit. We all know we have to. There are two ways to do it. One is by cutting spending, and when we cut spending, it hurts middle-class citizens. Middle-class citizens need help to pay for college; wealthy people don't. So if you cut student loans or Pell grants or Stafford loans that go to the middle class, it is not going to affect wealthy citizens—they can afford college themselves—but it does affect the middle class. When you cut Medicare, it doesn't hurt the wealthy. They can afford any doctor or hospital they want. God bless them. They have earned their money, and they deserve that. We don't have a system that mandates everyone must have the same. But it sure hurts the middle class.

So the bottom line is very simple: If everyone has to pay their fair share so we can get the deficit down, the only way the wealthy pay their fair share is by making sure their tax rates are at least the same as average Americans, and perhaps they should be a little bit higher. So there is a choice.

We don't do this because we want to raise taxes and certainly not because we think the wealthy have gotten an unfair advantage. That is a different argument, and I don't believe that. I am proud when New Yorkers or Americans climb the ladder and make a lot of money due to hard work and their ideas. We do it because we don't want to lay off more teachers, because we don't want to see our infrastructure crumble, because we don't want to say we can't create jobs, and yet we don't want to increase deficit spending. If we want to keep the deficit down but keep our schools good and our infrastructure good and our basic research good, the only way to do it is to ask the wealthy to pay a fair share. That is why we do it. And that is not class warfare; that is a policy debate which we welcome.

To sum up that point, either we ask big oil companies to give up special subsidies or we gut education or medical research. Either we ask the wealthiest Americans to pay their fair share or we will have to ask seniors to pay more for Medicare. We can't do both if we want to keep the deficit in line. America's middle class knows this. We know their median income is declining. We know the only place on the economic spectrum where incomes are going up is at the high end, and we know the right policy is to make those folks at the high end pay their fair share.

My colleagues are in for a rude awakening. I have talked to a couple of the people who study the polling data and what the average American thinks. And let me tell you, they think the phrase ''class warfare'' means war on the middle class. They think it means the wealthy get away with what they do not. So when our colleagues talk about class warfare, maybe it resonates with a few on the hard right among the very wealthy who don't want to pay any taxes at all—and Lord knows we have heard enough from them in this place—but to the middle class, it means the middle class is being beleaguered, not being helped, and even being attacked by circumstances beyond their control. So when we say the wealthiest should pay their fair share, middle-class Americans will not see that as class warfare. They will not. They will understand what we are doing.

I am so glad the President has decided to take this fight to the American people. It is a fight where we are on their side. That is what all my experience shows when I go around New York, and that is what the polling data shows. We are doing what is right for the future of this country and for our children and grandchildren.

So let's have the debate and let's dispel this idea that simply because we want the wealthy to pay a fair share, we dislike them and it is class warfare, that it is negative toward them. It is not. It is the right way for all Americans to make the pie grow in America and not have the various parts of America fight with one another because Medicare is being cut, because teachers are being cut and the deficit is going up and hurting our children and grandchildren.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I wish to thank my colleague from New York, and I would ask the Chair how much time is remaining in morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. Nineteen minutes.

Mr. DURBIN. I thank the Chair.

DEFICIT REDUCTION

Mr. DURBIN. Let me thank my colleague from New York for his statement about the challenges we face. I have been involved for over 1½ years in deficit reduction talks on a bipartisan basis with the Bowles-Simpson Commission, the Gang of 6, now the Gang of 38—I believe was the last number of Democratic and Republican Senators who have publicly stated they are willing to move forward in a process based on the principles of the Bowles-Simpson Commission.

At a time when most Americans have given up hope that Congress will ever work on a bipartisan basis to solve our problems, I hope our effort will be viewed as positive and helpful to the supercommittee's work. We are doing everything we can to make sure they are successful and they have a very difficult assignment and a difficult timetable.

In the meantime, though, I understand, as the Senator from New York, my colleague who spoke earlier, that if we are serious about deficit reduction, it not only must involve cuts in spending, but it also must involve revenue and a serious look at the future of entitlement programs.

Currently, Social Security untouched will pay every promised benefit for the next 25 years with a cost-of-living adjustment; then it runs into trouble—a 22 percent cut in benefits, if we don't do something. The same cannot be said for Medicare. As strong as it is, as important as it is, it has about 12 years of solvency before we have to do something significant. Medicaid, which is a very critical health insurance program for millions of Americans, is threatened by State revenue declines and all the problems we have in Washington with our own deficit.

So these three entitlement programs need to be viewed in an honest context to keep them strong, to protect the basic benefit structure that underlies each of these bills and laws, and we need to do that as well. We need to put it all on the table. It is spending cuts. It is revenue. It is entitlement reform. It all has to come together. When the President says the wealthiest among us should be willing to help us through this crisis by sharing part of the burden, that is not unreasonable.

I have yet to hear the Republican plan for getting this economy moving forward. It appears they have no plan and are dedicated only to protecting those with the highest incomes in America. That is not a recipe for success. It may be somebody's ideas of a campaign platform, but it isn't a platform to build the economy.

I also heard this morning when the Republican leader came to the floor, Senator MCCONNELL, and talked about the need to pass trade agreements. I voted for trade agreements. I believe the U.S. workers and businesses can compete in this world successfully if the rules are fair and we are given a chance with the markets, and I voted for trade agreements in the past.

The Senator from Kentucky asked for us to pass more as soon as possible, but he did say something which caught my attention:

> In a moment when 14 million Americans are looking for work—
>
> Senator MCCONNELL said—
>
> it is indefensible for the White House to demand a vote on trade adjustment assistance as a condition for action.

I couldn't believe my ears when I heard that. Trade adjustment assistance is designed to put people who have lost their job because of trade agreements back to work. So it is totally defensible, totally consistent, and an important part of economic recovery.

The Alliance for American Manufacturing released a report this morning that 2.8 million jobs have been lost or displaced in America between 2001 and 2010 due to our growing trade deficit with China—2.8 million jobs. As we speak about expanding trade adjustment assistance so those who have lost their jobs to nonfree-trade agreement countries such as India and China, we are talking about putting Americans back to work. This should not be viewed as an obstacle, a diversion or inconsistent with economic recovery.

I couldn't follow the logic of the Senate Republican leader this morning when he was talking about trade adjustment assistance being indefensible at a time of high unemployment. It is totally defensible, totally consistent with putting Americans back to work.

For the record, since 2009, trade adjustment assistance has provided assistance to 447,235 workers in America who have been displaced due to trade agreements. It helps their families with income, with health care, with opportunities for retraining and education.

THE DREAM ACT

Mr. DURBIN. Madam President, it was 10 years ago when I introduced the DREAM Act. It is an important piece of legislation for thousands of people who are living in America who are literally without status, without a country.

The DREAM Act says, if one came to the United States as a child, if they are a long-term U.S. resident, if they have good moral character, if they have graduated from high school and they are prepared to complete 2 years of college or enlist in our military, we will give them a chance to be legal in America. That is what it says.

The young people who are affected by it are many times people who have never known another country in their lives. They got up at school, as Senator MENENDEZ has said so artfully, they pledged allegiance to the only flag they have ever known. They sing the only national anthem they have ever known. They speak English and want a future in America. Yet they have no country. Because their parents brought them to this country as children, because their parents did not file the necessary papers, they are without a country and without a future. The DREAM Act gives them a chance—a chance to excel and prove they can make this a better nation.

The Obama administration recently made an announcement that I think is not only the right thing to do but paves the way for us to give these young people a chance.

We think we have 10 million undocumented people in America, and it is very clear the Department of Homeland Security is not going to deport 10 million people—that is physically impossible—nor should we. I certainly would be opposed to that notion. But what they are trying to do is to remove those people from America who are undocumented who pose a threat to our Nation.

They have been criticized by some. The deportations under the Obama administration are even higher than the Bush administration. They have tried to go after those with criminal records and those who are not going to be a benefit to the United States, and I think that is the right approach to use. But they said recently that they were going to make it clear that those eligible for the DREAM Act, these young people, of good moral character, graduates of high school, and those who are pursuing college degrees, are not going to be their targets. They have limited resources. They are going after the people who can threaten our country, those whom we don't want in the United States. I think that was the right thing to do, and I think that was a policy consistent with keeping America strong and building for America's future. But we need to do more.

In addition to having a sensible policy when it comes to deportation, we need a sensible immigration policy, and I think it starts with the DREAM Act.

I have come to the floor many times and told the stories about the young people who would be affected by the DREAM Act. Let me tell you two stories this morning that I think are illustrative of why this is morally important and important for us as a nation to consider as quickly as possible.

This wonderful young lady whom I have met is named Mandeep Chahal. She was brought to the United States from India 14 years ago, when she was 6 years old. Today, Mandeep is 20. She is an academic all-star. She is an honors premed student at the University of California, Davis, where she is majoring in neurology, physiology, and behavior.

Mandeep has also been dedicated to public service. In high school, she helped to found an organization known as One Dollar for Life, for poverty relief around the world. She was voted

the member of her class ''most likely to save the world.'' At her college, Mandeep is the copresident of STAND, an antigenocide group.

Mandeep has so much to offer America. But, unfortunately, she was placed in deportation proceedings earlier this year. Mandeep and her friends responded the way many young people do today—they went to Facebook and asked for help.

The response was amazing: 20,000 people sent faxes to the Department of Homeland Security to save this young lady from deportation. On the day she was scheduled to be deported, she was granted a 1-year stay.

Her first thought was to try to prevent other people from going through what she had just experienced. So just 1 week after her deportation was suspended, she came to the U.S. Capitol, where I had an opportunity to meet her. She spoke publicly about her experience, and she called for the deportations of all DREAM Act students to be suspended.

I met her while she was here and asked her to explain to me why she wants to stay. She said: ''I will send you a letter,'' and she did. Here is what it said:

I have spent years in the United States, and consider it my only home. My family, friends, and future are in the United States, which is where I belong. My dream is to become a pediatrician so I can treat the most helpless and innocent among us. I hope to serve families in low income communities who are otherwise unable to afford medical care. I wish to remain in the United States so that I can continue to make a positive difference and give back to the community that has given me so much.

Would America be better off if we deported Mandeep Chahal back to India? I don't think so. She left that country when she was 6 years old. In her heart, she is an American. She just wants a chance to prove it and to make this a better nation.

Let me introduce to you one other person whom I have also met, another wonderful story.

Fannie Martinez, brought to the United States from Mexico 9 years ago when she was 13. She lives in Addison, in the State of Illinois, a straight A student in high school. Earlier this year, she graduated summa cum laude at Dominican University in River Forest, IL, with a major in sociology. This month she is beginning to work on a master's degree at the University of Chicago's Harris School of Public Policy.

Keep in mind, these students who are excelling get no help—none—from the Federal Government. If we think college is a burden now for those who borrow the money or are given grants, most of these students have to earn the money if they are going to go through school.

Let me tell you something else about Fannie Martinez. She is married to David Martinez, who has served in the U.S. Army Reserves for the last 8 years. Here is a picture of the two of them together. David is currently deployed to Afghanistan, putting his life on the line for our country. Yet his worry is not just the enemy in Afghanistan. His worry is that his wife Fannie is going to be deported while he is serving overseas.

Fannie sent me a letter, and here is what she said about her situation:

My husband is constantly worried about my status in this country. He knows that I am always at risk of being placed in deportation proceedings and he is afraid of not having his wife with him once he returns from Afghanistan. The passage of the DREAM Act will give me the confidence to live without fear and frustration. It will allow me and my husband to plan our future without having to deal with the possibility of my deportation and my lack of opportunities. I care about my community—

Fannie wrote—

and I know I can help improve society if I am allowed to live in the U.S. and am given lawful permanent residence.

David Martinez, her husband, is willing to give his life for our country. We should give him and his wife Fannie a chance to pursue their dreams—the American dream.

I don't know that I have ever dealt with an issue that has meant so much to me personally because there isn't a place I go in America—anywhere—that I don't have some young person come up and look me in the eye and say: I am a DREAMer. I am counting on you.

They are counting not just on me, but they are counting on the Senate, they are counting on the Congress, they are counting on our government and our Nation to step forward and realize this is the morally right thing to do and that these dynamic, wonderful young people will make this a better nation.

I urge my colleagues, please, put partisanship aside, support the DREAM Act. It is the right thing to do for the future of our Nation.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The majority leader.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding the majority still has a few minutes left in morning business.

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. REID. I yield that back.

The ACTING PRESIDENT pro tempore. The time is yielded back.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed to H.R. 2832 is agreed to, and the clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AMENDMENT NO. 633

Mr. REID. On behalf of Senators CASEY, BROWN of Ohio, and BAUCUS, I call up amendment No. 633.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CASEY, Mr. BROWN of Ohio, and Mr. BAUCUS, proposes an amendment numbered 633.

Mr. REID. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Before noting the absence of a quorum, it is my understanding the Republican leader is on his way to the floor to offer an amendment, and I think everyone should understand there will be no business conducted until he shows up.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

AMENDMENT NO. 626 TO AMENDMENT NO. 633

Mr. MCCONNELL. Mr. President, I call up my amendment No. 626, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. HATCH, Mr. JOHANNS, Mr. COATS, Mr. LUGAR, Mr. GRASSLEY, Mr. RUBIO, Mr. ROBERTS, Mr. THUNE, Mr. ENZI, Mr. PORTMAN, Mr. HOEVEN, and Mr. CORNYN, proposes an amendment numbered 626 to amendment No. 633.

Mr. MCCONNELL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide trade promotion authority for the Trans-Pacific Partnership Agreement and for other trade agreements)

At the end, add the following:

TITLE III—TRADE PROMOTION AUTHORITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Creating American Jobs through Exports Act of 2011''.

SEC. 302. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

''(A) may enter into trade agreements with foreign countries—

''(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

''(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and'';

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

''(C) The President may enter into a trade agreement under this paragraph—

''(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

''(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c).''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''before July 1, 2005'' and inserting ''on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''after June 30, 2005, and before July 1, 2007'' and inserting ''on or after June 1, 2013, and before December 31, 2013''; and

(II) in clause (ii), by striking ''July 1, 2005'' and inserting ''June 1, 2013'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''April 1, 2005'' and inserting ''March 1, 2013'';

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''June 1, 2005'' and inserting ''May 1, 2013''; and

(ii) in subparagraph (B)—

(I) by striking ''June 1, 2005'' and inserting ''May 1, 2013''; and

(II) by striking ''the date of enactment of this Act'' and inserting ''the date of the enactment of the Creating American Jobs through Exports Act of 2011''; and

(D) in paragraph (5), by striking ''June 30, 2005'' each place it appears and inserting ''May 31, 2013''.

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting '', or'';

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

''(2) establishes a Trans-Pacific Partnership,''; and

(C) in the flush text at the end, by striking ''the date of the enactment of this Act'' and inserting ''the date of the enactment of the Creating American Jobs through Exports Act of 2011''; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking ''the enactment of this Act'' and inserting ''the date of the enactment of the Creating American Jobs through Exports Act of 2011''.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today to speak about the amendment the majority leader just called up. The Trade Adjustment Assistance Program in particular is what I will focus on in my remarks. I want to, first of all, thank the majority leader for his leadership on this issue, helping us get started today. I am particularly grateful for the strong leadership Chairman BAUCUS has provided, the chairman of our Finance Committee. I thank him and his staff for their tireless efforts, not just leading up to today but over a long period of time. He has been such a strong advocate for this program.

For many months Chairman BAUCUS has led the charge to assure that a strong Trade Adjustment Assistance Program is reinstated because it is important public policy for our workers, to get them retrained and to make sure they have the skills needed to compete in such a tough economy. I appreciate his work.

I also appreciate Chairman BAUCUS's work for many years fighting for workers, especially when their jobs are at risk, their livelihoods and their families' economic security. I thank Chairman BAUCUS and so many others. My colleague Senator BROWN of Ohio has been a tremendous leader on this issue as well.

One thing we all understand, whether we are Democrats or Republicans or Independents, is that we are still in the midst, still in the grip of a jobs crisis all across the country. It knows no geographic boundaries, it knows no party. People are worried, concerned that their jobs will continually be at risk. Some, of course, have already lost their jobs—almost 14½ million Americans at last count.

In the midst of that crisis, it is critically important that we take the steps here to make sure those who want to get back into the workforce, those who want to improve their skills or be retrained in some way or another, have that opportunity. We know in the next couple of weeks the Congress will be taking up free trade agreements. But before we do that, before we begin the debate, before we consider those agreements, we have to make sure our workers have the protections they need to deal with the ravages of unfair foreign competition.

There are lots of ways to talk about this program and this issue. Some of them, frankly, get a little academic. The best way for me to understand the importance of trade adjustment assistance is very much consistent with the recent and unfortunate economic history of my home State of Pennsylvania. In our Commonwealth—by way of one example, but it is the best example I can cite because of the numbers of workers affected—in the Commonwealth of Pennsylvania in the 1970s and 1980s, in a short period of time, in less than a decade, we had tens of thousands of steelworkers lose their jobs. These were folks who worked in steel mills, not just for a couple of years but in many instances decades. They would graduate from high school, go into the steel mill and be virtually guaranteed of a job for the rest of their lives—a good job with good benefits on which they could support their families.

Then we know what happened to those workers and that industry. A lot of their jobs were destroyed in the 1970s and 1980s because of the decline of the steel industry. It is at times such as that, when someone who has worked their whole life and put all of their energies into a job and that job goes away in a matter of weeks or months or a few short years, we have to make sure we are there for them at that moment. One of the ways we can be there for them is with trade adjustment assistance.

I and every Member of the Senate could point to other examples as well, but I remember that horrific history in Pennsylvania where families were destroyed because of the loss of a job.

Our trade policies have hit a lot of American workers very hard. Especially today we are seeing that. I mentioned Pennsylvania's manufacturing jobs as an example. According to an analysis by the Joint Economic Committee, of which I am the chairman, from 1997 to 2010—just 13 years—manufacturing went from 16.4 percent of the gross State product of Pennsylvania down to 12.1 percent. In 13 years, a short period of time, there was that kind of decline in manufacturing jobs, from roughly 16.5 to 12. In total, the job loss in Pennsylvania manufacturing was nearly 300,000 good-paying jobs.

While trade adjustment assistance cannot bring those jobs back, we can take steps to help those workers in a tough time as they transition to new employment, to new skills and to new opportunities. Many displaced workers need considerable training to reenter the labor market. Imagine if any one of us did the same job for years or decades and then had to turn on a dime to adjust to the difficulties in the economy. It takes a while. According to a report by the Joint Economic Committee as well, many of these folks who have lost their jobs are much older than the rest of the workforce. They need to gain a number of skills. Fifty-seven percent of current participants in the Trade Adjustment Assistance Program are 45 years of age or older—57 percent. Trade adjustment assistance can better address the needs of these displaced workers by requiring training and giving additional time for workers to gain the skills necessary to reenter the workforce to prepare to compete in a tough economy, in a world economy.

We know these programs work. We know, based upon the JEC report I cited earlier, 53 percent of those who participated in Trade Adjustment Assistance Programs were reemployed within 3 months; 53 percent were reemployed after 3 months after leaving the program itself. These participants also

found lasting employment, with 80 percent of those workers employed within the first 3 months remaining employed by an additional 6 months.

We know that in 2009, several reforms were made to the program to reflect the realities of the modern workforce and the modern labor market. The amendment I offer today with my colleague Senator BROWN of Ohio would reinstate these reforms, including the following, by way of an economic summary: No. 1, providing trade adjustment assistance benefits to service sector workers; No. 2, covering workers whose firms shift production to non-free-trade agreement partner countries—for example, China and India. We hear a lot of people talking around here about how we have to compete with China and India and keep our workers at a high skill level to do that. This is one way to do that. No. 3, finally, increasing the health care tax credit subsidy to 72.5 percent and hereby addressing one of the most significant costs for those without a job, the cost of health insurance.

We all know, and I know firsthand, the benefits of a strong trade adjustment assistance program based upon what has happened in Pennsylvania over many years.

According to the Department of Labor, from May of 2009 through June of 2011—a little more than 2 years—nearly 10,000 additional workers qualified for assistance due to these essential reforms in Pennsylvania. So the reforms we made in 2009 have helped nearly 10,000 workers in Pennsylvania. If you look at it nationwide, 185,783 additional workers were certified for TAA participation because of those reforms. In total, trade adjustment assistance has assisted nearly half a million people over this time period. Our action this week will ensure that thousands of American workers will be able to count on retraining and other support if they lose their job through no fault of their own.

More and more jobs—and we all know this but it bears repeating—have been sent overseas, leaving workers out in the cold. Nothing they did has caused outsourcing of their job, and yet they are left with the consequences and their families suffer with those same consequences. To get jobs in new industries, workers need new skills. They need to be retrained and introduced to new skills. Trade adjustment assistance helps those workers hurt by foreign trade get back to work, while also ensuring workers have a skilled workforce at the same time.

Finally, let me urge all my colleagues to support this amendment. Trade adjustment assistance has a long and proud history of bipartisan support in the Senate, and I hope we can continue that with this amendment and with this work. Those who have been affected by this know this story better than I or better than any of us, and it is about time we stood with those workers when they and their families are suffering.

I would yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that immediately following my remarks, if it is all right with the distinguished Senator from Ohio, the former Trade Representative, the other distinguished Senator from Ohio, Mr. PORTMAN, be allowed to give his remarks.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN of Ohio. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I apologize to Senator BROWN, but Senator PORTMAN was promised he would be able to speak at 11:45.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I thought Senator HATCH said that the senior Senator from Ohio, then the junior Senator from Ohio.

The PRESIDING OFFICER. The UC request is for the Senator from Utah, the junior Senator from Ohio, then the senior Senator from Ohio.

Mr. BROWN of Ohio. I didn't understand that from my conversations, but I do not object.

Mr. HATCH. Mr. President, I strongly oppose the TAA amendment offered by my good friend and colleague from Montana, Chairman BAUCUS. Before I get into the specifics, I think it is important to put this debate in context. For years I have been working to ensure that our pending trade agreements with Colombia, Panama, and South Korea receive fair consideration in the Senate. Unfortunately, while I worked to get these agreements approved, others placed obstacles in the way. As a result, days, weeks, and months passed. Eventually those months turned into years. Now 4 years later, we are taking out the sixth renewal of trade adjustment assistance in the time these trade agreements languished. To me, it is highly ironic that we not only passed but expanded legislation to help workers who are allegedly harmed by trade agreements five times over the last 4 years, while we have yet to pass a single trade agreement.

This March President Obama made himself perfectly clear: Unless Congress agreed to spend more money for this pet trade priority, he would never send a trade agreement to Congress and U.S. workers would never benefit from these agreements. Basically, the President held U.S. exporters hostage while he squeezed more spending out of Congress.

Despite my deep disappointment in the President's failure to make these agreements a priority, I am pleased we are having this debate today. Earlier this summer the administration tried to jam the domestic spending program into the Korea Free Trade Agreement implementing bill. I strongly opposed this move. I believe it violated longstanding trade rules and seriously jeopardized approval of the South Korea agreement.

I strongly encouraged the White House to reconsider so we could have a robust debate with TAA considered solely on its merits. After all, if there is such a strong bipartisan support for the program, it should not be shielded from a debate and vote in an open forum. It appears the administration realized their position was untenable in the face of unequivocal Republican opposition. Thankfully they chose to heed my advice and today we have an opportunity to consider and fully debate TAA.

If TAA passes the Senate, it should remove what we hope is the last obstacle the President and his party placed in front of FTAs. We will see. To date there is little evidence that the President is finally ready to step up to the plate. It has not been for lack of effort on our part. House leadership made it clear that TAA will be considered in tandem with the FTAs, as the President requested. Chairman CAMP worked with Senator BAUCUS to develop a substantive deal on TAA, as the President requested. Despite my deep reservations about the program, a number of my Republican Senate colleagues stepped up in support of the TAA compromise negotiated by Chairman BAUCUS and Chairman CAMP and even put their assurance in writing to support TAA. Before the August work period, Senators MCCONNELL and REID articulated a process for consideration of TAA and the FTAs, as the President agreed or requested.

Still the administration refuses to provide any real assurance that it will actually send the pending free trade agreements to Congress for a vote. I am very disappointed we still have not heard definitively from the White House that they will send up the three FTAs. As for the trade adjustment assistance amendment before us today, I wish to summarize for my colleagues my concerns with the proposed expanded program, and my objections to additional domestic spending for this program at a time of immense budget difficulties.

First, there is little evidence that the TAA Programs actually work. In fact, the opposite is true. Recent studies by professors at American University have found that the TAA program:

> . . . has no discernible impact on the employment outcome of the participants.

If that is the case, I cannot understand why we would expand this ineffective program.

This summer I was surprised to learn from an article in the Wall Street Journal that the Department of Labor is 4 years late on producing a report to Congress intended to demonstrate that the numerous Trade Adjustment Assistance Programs actually improve the employment outcome for TAA participants. Yet today we are considering an amendment to not only reauthorize the program for 3 years but to make many of the benefits retroactive. Before we authorize $1 billion more in

taxpayer spending, shouldn't we know if the program actually improves the job prospects for TAA beneficiaries?

My friend and colleague from Oklahoma, Dr. COBURN, has made it a priority to identify and eliminate wasteful government programs. In his first report on the subject, the Government Accountability Office identified dozens of programs without any identifiable metrics on whether they actually succeeded in their mission. At a time of crushing budget deficits and increasing debt, Congress could easily start by eliminating these programs that have no proven track record of success and, in my opinion, we would have to put TAA at the top of that list. Consider that we are still waiting on the report from the Department of Labor on TAA's efficacy. I suspect if the facts and data clearly demonstrated benefits to workers participating in the TAA Programs, the report would have been issued years ago. I am sure this report will be issued, but only after TAA has been passed. I cannot support increasing funding for a program without any real evidence that it works. Some will argue more people are using the program, therefore it must be working. I strongly reject that argument. Spending more money and certifying more workers does not mean a program is succeeding. It simply means the program is expanding, and that is my second concern. Like many Federal Government programs, this domestic spending program continues to grow and grow. TAA money now goes to farmers, firms, community colleges, and service workers. Even more troubling, the critical nexus between job loss caused by trade agreements and TAA eligibility has been jettisoned. Today all workers who lose their jobs allegedly due to ''globalization'' could be eligible. As the global economy and global supply chains become more integrated, I suspect the potential number of beneficiaries and the cost to the U.S. taxpayer will grow enormously.

Third, at a time when we need to severely constrain Federal spending, this program increases it. In 2009, TAA was significantly expanded as part of the President's failed stimulus bill. Most of those increased costs are included in the TAA amendment before us today, but there may be additional hidden costs. Because the income support and the health coverage tax credit are entitlements, there is no cap on future spending. Although the health coverage tax credits are to expire when ObamaCare goes into full effect, I have serious doubts that they actually will. History shows again and again it is much easier to create an entitlement than to end one.

As I said, I suspect this program, like most Federal programs, will cost more than expected, especially after unemployment insurance returns to its traditional 26-week level, which will consequently increase the use of trade reallocation allowances and increase the TAA Program's cost.

Fourth, the program is fundamentally unfair. Suppose one of our fellow Americans loses their job or his job because their factory burns down, another loses their job because his or her company could not compete with a domestic competitor, and a third loses his or her job because of foreign competition. How can we tell two of our fellow Americans ''tough luck''? Two can only use the general job training and unemployment insurance programs while the third worker is provided with a host of more training, income support, and health care benefits. This does not seem right to me. Why are we picking winners and losers amongst the other 14 million Americans looking for work?

I am also troubled that although union workers are less than 7 percent of the private sector workforce, union workers receive over a third of TAA certifications. I do not see why we should support this vicious cycle. Unions drive industry after industry into bankruptcy by insisting on restrictive work rules and overly generous compensation and benefits plans, and the taxpayer gets to clean up the mess by providing the now unemployed workers with a new set of benefits far more generous than those received by others. Unfortunately, encouraging vicious cycles appears to be an objective to this administration when it comes to TAA.

Let me share with you another one. By now most of you have heard of a company called Solyndra. It was held up by the President and his administration as an example of the wonders of the stimulus and its ability to transform taxpayer dollars into green jobs. Here is how President Obama described it:

> And we can see the positive impacts right here at Solyndra. Less than a year ago, we were standing on what was an empty lot. But through the Recovery Act, this company received a loan to expand its operations. This new factory is the result of those loans.

Well, the President was right about that. The new factory was a result of the taxpayer-provided loans. According to the Wall Street Journal, those very same taxpayer loan guarantees also were a prime cause of Solyndra's bankruptcy. The ''taxpayer dollars to create green jobs'' alchemy worked about as well as medieval attempts to turn lead to gold.

That is not the end of the story. To ensure the circle of taxpayer losses remains unbroken, the former Solyndra employees have now applied for trade adjustment assistance. That is right. As reported first by Americans for Limited Government, and then confirmed by Investors Business Daily, Solyndra employees have applied to the Department of Labor for trade adjustment assistance.

To recap, the administration provides loan guarantees to a failing company and in the process saddles the taxpayer with over $½ billion in potential liability. These same loan guarantees precipitate the demise of said company, and this, in turn, justifies the receipt of new taxpayer-funded benefits for the now unemployed workers, benefits that go beyond and cost far more than those the other unemployed people in this country receive.

The administration likes to talk about the multiplier effect of new Federal spending, but I don't think this is what they had in mind. For each initial wasted taxpayer dollar, the government multiplies the losses and manages to waste another quarter. Solyndra tried to make solar panels but ran up their costs far higher than even domestic competitors. Ultimately, with costs above the competition, the company failed. Of course, the failure was blamed on China. If you cannot even outcompete U.S. companies, it wasn't foreign competition that ruined your business, it was simply a failed business model.

During our hearing on the South Korea Trade Agreement, Deputy U.S. Trade Representative Marantis testified that the purpose of the TAA Program is to help workers manage the transition to globalization and help workers train to be able to take advantage of the opportunities presented in the new economy.

Well, according to President Obama and Vice President BIDEN, green jobs such as those found at Solyndra were supposed to be the jobs of the new economy. Now that the new economy venture failed, those very same workers are going to be retrained, at taxpayers' expense, for other jobs in the new economy. Government, under the President's green agenda, picks winners and losers and then pays off the losers when it makes the wrong picks. Pardon the American taxpayer for jumping to the conclusion that this plan doesn't make sense.

Let's not forget that a handful of States receive the lion's share of TAA money. Again, this is unfair on its face and represents a distorted allocation of Federal resources.

President Reagan did not graduate from an Ivy League college and he was not the editor of any law review, but the man understood how the economy grows and what types of programs waste precious government resources. This was his assessment of TAA:

> The purpose of TAA is to help these workers find jobs in growing sectors of our economy. There's nothing wrong with that, but because these benefits are paid out on top of normal unemployment benefits, we wind up paying greater benefits to those who lose their jobs because of foreign competition than we do to their friends and neighbors who are laid off due to domestic competition. Anyone must agree that this is unfair.

That was President Reagan.

I certainly do, as do most of my constituents, think the last thing this economy needs is another big spending program.

Another important point is that TAA fuels the fire of virulent antitrade propagandists. TAA supporters say the program keeps faith with American

workers and helps build support for trade. I think just the opposite is true. Unions and other antitrade zealots gleefully use TAA data to make the case that trade causes outsourcing and job loss. After all, the number of trade-dislocated workers is certified by the government.

As the program is expanded to include more and more people and entities, including community colleges, firms, farmers, and fishermen, the myth that trade is bad for the American worker finds ready fodder and continues to build. Instead of helping build the case for trade, TAA certifications are used to show that trade is bad. In the end, TAA is really just a government subsidy for an antitrade propaganda.

Many of those dedicated to fighting a market-opening trade liberalization agenda and who are hostile to a thoughtful and ambitious trade policy cite each TAA certification and each TAA benefit conferred as further evidence that trade and trade agreements are bad for America. These same groups use TAA certifications and TAA workers to attack the companies that laid those workers off as outsourcers, even attempting to name and shame the CEOs of those companies. For goodness' sake, why should we expand a program that arms the harshest trade critics with more fodder for their ill-informed and relentless attack on trade?

Finally, TAA should move with TPA. Despite what many of my colleagues and many so-called trade experts say, TAA does not move with trade agreements. In fact, historically significant expansions and reforms to TAA have moved with omnibus trade legislation that included grants of trade negotiating authority to the President.

There is a myth that TAA has always received strong bipartisan support. Again, the historical record does not bear this out. A simple review of a very helpful history of TAA provided by CRS this August shows just how controversial TAA has always been and continues to be and confirms that TAA reforms traditionally move with TPA.

Inexplicably, this President doesn't want TPA trade promotion authority—and the White House is actually encouraging Leader REID and Democratic Senators to vote down a TPA amendment Leader MCCONNELL will offer. Leader REID and Chairman BAUCUS and the White House have also apparently asked the business community to oppose an amendment on TPA as well, despite the fact that the business community has uniformly supported the granting of trade negotiating authority to every President, regardless of party.

This is all baffling to me. But I agree with Leader MCCONNELL that the President needs TPA whoever the President is—as soon as possible, and I can't imagine any President not wanting that authority. As I suspect the Democrats will vote down granting their President trade negotiating authority, I must also be inclined to vote against this TAA amendment.

Much has been said about TAA and that it is the price for free-trade agreements. But we are paving new and dangerous ground by holding three trade agreements hostage to expanded TAA. Each time we have tried to move these agreements, a new roadblock has been erected. And while we dilly and dally, our trade competitors take more of our market share around the world, and American businesses and farms lose more money and more jobs.

There has to be a better way. I urge the President to reconsider his trade priorities. Instead of expending his political capital on expanding the Federal Government, he should liberate the U.S. worker by accepting our offer to provide him with the authority to open new markets to U.S. exports. Our economy is in dire straits, unemployment is sky high, and Federal spending is out of control. We need the President's leadership, and we need it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, let me start by thanking the senior Senator from Ohio for his generosity in allowing me to speak now. I also commend Senator HATCH, who has been a leader in expanding exports and therefore creating jobs for many years, and again he is standing today talking about the importance of us moving forward on a progrowth trade agenda, including giving the President the ability to have trade promotion authority. That is what I wish to talk about today.

Senator MCCONNELL, the Republican leader, introduced an amendment to the underlying legislation saying that, along with trade adjustment assistance, for the same 3 years there also be trade promotion authority given to this President, which all of his predecessors have had. That makes sense. The legislation in the amendment is actually identical to legislation I introduced my first week here in the Senate on a bipartisan basis with Senator LIEBERMAN to provide the President with trade promotion authority. It is incredibly important.

I think it goes without saying that we live in an increasingly interconnected world where the movement of goods and services and people across borders is part of our economy. It is very much an economy where the United States is connected to our global competitors. We are moving forward around the globe on various arrangements, export agreements at a rapid pace. Yet I am sorry to say the United States is simply not a part of that because we do not have trade promotion authority.

These agreements that are being negotiated open markets for workers and farmers and service providers to be able to expand exports, again, of goods and services.

By the way, there are over 100 of those bilateral agreements being negotiated today. Guess how many the United States is party to. None, not a single one. The reason is that we don't have the ability through trade promotion authority to have the United States at the table negotiating to open these markets for our workers and our farmers and our service providers.

There is one agreement on which we are negotiating, a regional agreement called the Trans-Pacific Partnership. I support the continued negotiation there, but, frankly, it is not a bilateral agreement that is likely to reduce barriers significantly.

The United States is getting left behind. We lost trade promotion authority in 2007. It expired. At that time, President George W. Bush came to the Congress and asked for it to be renewed. Then a Democratically controlled Congress said: No, we don't want to give you the ability to negotiate these agreements that help, as Senator HATCH has said, expand jobs in this country.

President Obama's administration has not asked for the authority. In fact, as Senator HATCH has just indicated, they don't seem interested in having it, which is unbelievable to me—that you would not want the ability to negotiate with other countries to knock down barriers to help our workers, our farmers, and our service providers here in this country. But that is where we are right now.

Before the 2007 expiration of trade promotion authority, the United States was active and involved in agreements that knocked down barriers to our exports. There were three agreements negotiated now 3 and 4 years ago, and these were agreements with Panama and Colombia and Korea. Those are the three agreements that have been talked about a lot on this floor over the last day because the trade adjustment assistance we are talking about is related to those three agreements. We need to get them done. They have been languishing for too long. Obviously, the United States, not being able to negotiate anything in the interim period, has fallen behind, but at the least, we should move ahead and ratify these three agreements. The President's own metrics tell us these three agreements alone will generate 250,000 new jobs in this country. Look, with unemployment at over 9 percent, we need those jobs, and the jobs tend to be better paying jobs with better benefits.

What has happened in the interim while we have not moved forward with these agreements? Well, Korea has started a negotiation with the European Union since our agreement was finalized and completed that agreement and now made that agreement effective in July of this year. Exports from the European Union to Korea increased 36 percent in July alone. Our exports to Korea during that time period, by the way, increased less than 3 percent.

What is happening? We are losing market share. We are losing jobs while we sit back and allow these other countries to negotiate. Remember, over 100

agreements are being negotiated, and we are not parties to any of them.

The same thing is happening in Colombia. Since we negotiated the agreement with Colombia, Colombia started negotiating with other countries, including Argentina and Brazil, and guess what has happened. They have completed that agreement, it has gone into effect, and, again, our market share has diminished. We used to provide about 71 percent of the agricultural exports, including corn, wheat, and soybeans, to Colombia when we completed the agreement. Today, that market share is down to 26 percent. That means farmers in Ohio, Montana, Utah, Pennsylvania, and elsewhere are being disadvantaged by our trade policy.

We have to move forward with these agreements. Instead of having increased exports from Seoul, Bogota, Calgary, and Munich, they should be coming from Cincinnati and Cleveland and Columbus and Dayton. Interestingly, Korea and Colombia have now started negotiating an agreement with themselves. Again, we are not moving forward because we are not part of these agreements because we do not have trade promotion authority.

I think these three agreements that I hope the President finally sends to the U.S. Congress for ratification are examples of the kinds of agreements that we could have been negotiating over the past 3 or 4 years and that we should start negotiating tomorrow, by this Senate and the House, giving the President the trade promotion authority he needs to be able to have those negotiations and to open those markets for U.S. products.

The reality is that trade promotion authority is vital for any President to have. Why? Because if you don't have trade promotion authority, the other countries will not sit down at the table and bargain with you. It is a pretty simple concept. If you want to get the best deal from another country, you have to have trade promotion authority because here in America, after we negotiate an agreement at the executive branch level, it has to come to Congress, and other countries don't want to renegotiate an agreement with the U.S. Congress that would be full of amendments and changes. So in order for us to ensure we can get the best deal, we have to give the President trade promotion authority.

Every President since Franklin Delano Roosevelt has asked for this authority and received it. It is unbelievable to me that this President does not want that. I believe he must want it—any President would—and he should ask for it, and we should provide it to him. This amendment does exactly that.

Congress has given TPA authority to Democrats and Republicans alike. It is not a partisan issue. So a Republican Congress has given it to a Democratic President and vice versa.

I stand as a Republican telling my colleagues that I would like to give it to President Obama. The underlying amendment we are talking about provides trade promotion for 3 years, so it would be for the remainder of the President's term and, if he is reelected, for the next couple of years or, if a Republican is elected, for that person. It should not be about party; it should be about our country.

The President has been talking in the last couple of weeks about the fact that he wants products stamped with three words: ''Made in America.'' I couldn't agree with him more. He is saying they should be exported all around the world? How is that going to happen? It is going to happen by opening these markets, by leveling the playing field for us as Americans so we can compete and win.

When we open these markets, we expand exports dramatically.

Think about this: Countries with which we currently have trade agreements which comprise less than 10 percent of the global GDP—think about it. We do not have an agreement with China or the European Union. It is about 10 percent or less of the global economy. Yet that is where we send about 41 percent of our exports.

These agreements are good for us, which is why the Colombia agreement, the Panama agreement, and the Korea agreement, in my view, will be able to pass this floor easily because the facts are there, if the President will just send them. By giving the President trade promotion authority, we could go on and, indeed, make good on his promise to have more products stamped with those three words, ''Made in America,'' sent all over the world.

It is a little bit ironic to me that the underlying bill we are talking about, the TAA, the trade adjustment assistance, is attached to the generalized system of preferences, GSP. It is not legislation I oppose, but it is legislation that opens the United States more to products from other countries. So here we are talking about opening up the United States more with the GSP bill, and yet we are not willing to put in place measures to open up other markets more for the United States of America through trade promotion authority. How does that make sense? But that is where we are.

To my colleagues, I will say, if we are not engaged in opening markets, we are falling behind. America needs to get back in the game again. We need to take a leadership role in global trade. That means giving this President and all future Presidents the ability to negotiate, just as all of their predecessors have had. I strongly urge my colleagues, Democrat and Republican alike, to give to this President the same authority other Presidents have had of both parties. Our economy and the future for our children and our grandchildren depend on it.

Again, I thank my colleague from Ohio for his generosity, and I yield the floor.

The PRESIDING OFFICER. The senior Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Ohio for his kind words. I appreciate his support, his public support—he did not speak specifically on the Casey-Brown-Baucus amendment, I do not believe; I had to step out for a moment, but I know he has said positive words about restarting, if you will, trade adjustment assistance, and with some expansion, not quite as good as it was 2 years ago, but still a very important program.

I appreciate Senator PORTMAN's words and his support of expanding it, and I hope he joins with some other Republicans in actually supporting the Casey-Brown-Baucus amendment.

I particularly thank Chairman BAUCUS for his strong support of trade adjustment assistance. Senator CASEY, especially, has pushed for this for, well, almost a year now, when in December we did everything but beg our colleagues to renew this program that helps workers who are unemployed through no doing of their own.

In early 2009, we had written a very good trade adjustment assistance: If you lose your job because of a trade agreement, or if you lose your job because of trade, even if it is a service job—it used to just be manufacturing—you will get two things: One, you will get trade adjustment assistance so you can continue with your life and not get foreclosed on, you can continue to provide for your kids, and you can have a little bit of money to get retrained.

I met a woman in Youngstown not too long ago who lost her manufacturing job to trade. She got TAA. She used that money to go to nursing school at Youngstown State University, and she was in school with her daughter who was also getting a nursing degree. You think: That is exactly how TAA works. There are those examples, I am sure, in Philadelphia and Harrisburg, and I will bet you there are even examples in Provo of trade adjustment assistance working in that way. That is why it is so very important.

At the same time, the language we wrote also gives help for people to continue their health insurance. I was at a place in Columbus not too long ago that specializes in helping people get back on their feet and get work. To hear someone tell a story: First, they lose their job. They do not get much assistance. Then they lose their health care. Then they have to talk to their 12-year-old son and 14-year-old daughter about moving because they lost their home.

Does nobody here—I should not say ''nobody'' because a lot of my colleagues do care, but does nobody here care about somebody who has to sit down with their kids and say: Sorry, honey, we are going to lose our home because of foreclosure because we lost our jobs and we are not getting retrained and finding any work? That, to me, is what this is all about.

I want to talk a little bit about trade adjustment assistance beyond what I said, but I also want to talk about

some of my colleagues' statements about trade and what it has done for this country, to this country. I hear all the theories. Every country in the world practices trade according to its national interests. The United States of America practices trade according to an economics textbook that is 20 years out of date.

In my first year in the House of Representatives, the Congress passed the North American Free Trade Agreement, something I know if Senator CASEY had been here he would have voted against it. I voted against it. I remember the promises, the promises from the free-trade-at-any-cost crowd, that NAFTA would create hundreds of thousands of jobs. They said it with NAFTA. They said it with PNTR with China. They said it with the Central American Free Trade Agreement: If you pass this, it is going to mean more manufacturing and more high-tech jobs and stronger communities. Look what it has meant.

Go to Springfield, OH, go to Ashtabula, go to Lima, go to Mansfield, go to Zanesville, go to Chillicothe, go to Xenia. Look at these medium-sized cities of 30,000, 40,000, 50,000, 60,000 people, and look at what has happened to them. Often in smaller communities—the Senator from Montana, the Presiding Officer, knows this—a husband and wife both work at a plant.

In Jackson, OH, I was walking a picket line with some workers who were locked out, and then the plant ultimately closed. For a number of the people I saw, the husband and wife both worked at this manufacturing plant, each making about $12 or $13 or $14 an hour. They were middle class with their combined income. When this plant moved overseas, their family income was wiped out.

It happens over and over in small towns. It happens in Dayton and it happens in Cleveland and it happens in Columbus and Philly and Pittsburgh and Harrisburg. It happens in small towns and big cities.

Then we see this free-trade-at-any-cost crowd come to the Senate floor and say: If we only had trade promotion authority, we could do more of this because it works so well. Free trade has worked so well for our country.

Why have we lost these hundreds of thousands of jobs? Do you know why? Because the business plan in this country, the business plan, never in world history—I do not think we have seen this ever in world history—is where a business plan for a company is to shut down production in Steubenville, shut down production in Toledo, move that company to Shanghai, move that company to Mexico City, make those products, and sell them back into the United States. So their business plan is to shut down manufacturing in this country, go overseas, hire cheaper workers, in places where there are weaker environmental laws, nonexistent worker safety laws, and sell the products back into the United States.

That is what our manufacturing policy has been. That is why this whole idea of Korea and Colombia and Panama—as if Mexico and Central America and China were not enough—this whole idea of free trade at any cost is bankrupting our country. That is why wages during the last 10 years, during the Bush administration and since—since 2001, wages in this country have gone down. We have lost jobs in this country, almost. We have not grown jobs in this country. It is about what we had in 2001, with a much larger population.

Wages down, job growth flat, and the trade policy is working? So our answer is, let's do more of it, as if NAFTA and CAFTA and PNTR were not enough? Let's do more trade agreements? Let's send more jobs overseas? Also, we can practice trade according to what the Washington Post and the New York Times and the rightwing papers and the leftwing papers and the Harvard economists and the economic elite in this country say? Also, they can follow what they learned in economics 101, taught with a textbook that is 20 years out of date? It is not working for our country.

I was talking on the phone today with a retiree in eastern Ohio, and she had just been with her son who was about to be deployed at his base. She and her husband went and visited her son. He is a marine. She went to the commissary, and do you know what. She bought a hat that said ''Marines.'' I think it said ''Marines.'' She bought a hat. She bought a bunch of stuff at the commissary. Where was it made? Guess. It was not made in Helena. It was not made in Harrisburg. It was not made in Columbus. This is insane. We have American flags that are made abroad. We have products in commissaries that are made abroad. We have products Senator SANDERS spoke out against sold here in the U.S. Capitol that are made abroad. Why? Because we have a trade policy that is morally bankrupt, politically bankrupt, economically bankrupt, and it is not working for our country.

That is why this whole idea of trade promotion authority so we can do more of the same makes no sense at all. But it is also why we need to pass the Casey-Brown-Baucus amendment. When we made the reforms to TAA in 2009, 185,000 additional trade-affected workers became eligible in every State. Mr. President, 227,000 workers in 2010 alone participated in TAA. They got trained for new jobs that employers are looking to fill. I think we all know that we have, even in these bad economic times, jobs that remain unfilled because they cannot find workers with the right skills. This will help to fill that gap. We should all be for this.

According to the Peterson Institute, before the recession hit, between 2001 and 2007, two-thirds of TAA participants found jobs within 3 months of leaving the program. Ninety percent stayed at these jobs for at least a year. It is a program that works. It helps people get health care. It helps people stay in their homes. It helps people get new skills so they can work.

The last comment I will make: I have said enough about the bankruptcy of American trade policy, its moral bankruptcy and economic bankruptcy alike. Our trade deficit in 2010—I do not like to come to the floor and use a lot of numbers—if this is not reason enough, in 2010 our trade deficit was $634 billion. You do know what that means. That means, basically, every day we buy almost $2 billion more worth of goods made abroad than we sell abroad—almost $2 billion a day.

If one-tenth the attention was paid to the trade deficit as we pay to the budget deficit, this would be a better country. We would see more manufacturing in places such as Cleveland and Columbus and Dayton.

Our trade deficit with China was $273 billion in 2010. Ten years before—before PNTR—our trade deficit with China was $68 billion. It went from $68 billion to $273 billion in one decade. That works so well that we should do more of it? President Bush said $1 billion in trade surplus or trade deficit translates into 13,000 jobs, a $1 billion trade surplus means 13,000 additional jobs, $1 billion trade deficit means 13,000 fewer jobs.

So our trade deficit with China last year was $273 billion. You do not have to be good in math to know that translates into a lot of jobs. Making products sold at the Capitol, making products sold at commissaries, making products sold all over—until we figure this out and pass trade agreements that are actually in our national interests, we are simply, pure and simple, betraying our national interests and betraying the middle-class families and the families in our country that aspire to be middle class.

I support the Casey-Brown-Baucus amendment and thank Chairman BAUCUS again for his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUESTS—S. 1094

Mr. MENENDEZ. Mr. President, I have come to the floor to pursue a unanimous consent request on something that is critical to families in my home State of New Jersey, which has the highest rate of autism, but is also critical to families across the country who have a loved one who faces—in the spectrum of autism and other developmental issues—the need to get the help, so their child, their loved one, can fulfill their God-given capabilities.

Last Tuesday morning, a full week ago from today, I sent this bill before the Senate for unanimous consent, and that unanimous consent was cleared on the Democratic side, but it has not been cleared on the Republican side,

which has prevented this bill from passing.

This legislation was reported out of the Senate Health, Education, Labor, and Pensions Committee on September 7 without amendment and with unanimous support, Republicans and Democrats together. This result, the result of a bipartisan effort with Senator ENZI, who is the ranking member of the Health, Education, Labor, and Pensions Committee, is vital to ensuring that the programs created under the landmark Combating Autism Act of 2006 continue.

That bill was signed into law by President George W. Bush after passing the Senate on a unanimous consent. This long history of bipartisan support only adds to my confusion as to why there are colleagues on the other side of the aisle who are currently preventing the bill from passing.

This legislation has unanimous support from Democrats and strong bipartisan support throughout the Senate, including nine Republican cosponsors.

Without Senate approval, the Combating Autism Act will sunset at the end of next week, leaving countless families across our Nation without the support they need in caring for their children with autism.

This bill provides an additional 3 years of guarantees simply in the context of an authorization. Obviously, we would have to go through the appropriations process and there would have to be debate and it would be voted on the floor, but that authorization for 3 years at the fiscal year 2011 appropriated levels for the programs for the Centers for Disease Control and Prevention, the National Institutes of Health, and the Health Resources and Services Administration is vital to continuing our efforts on diagnosing autism spectrum disorder, advancing behavioral therapies to improve social abilities with those with autism, providing families with education and support services to better understand autism, and to coordinating Federal efforts on researching autism.

I have worked closely with Senator ENZI, who has been a cochampion in regard to this legislation and addressing all concerns. Since it cleared the Health, Education, Labor, and Pensions Committee with full bipartisan and unanimous support, I thought we had succeeded in addressing those concerns. I have not been approached or heard a single objection from any Republican as to why they might hold this bill, and I have been open in my willingness to work with the other side in addressing their policy concerns. Having not heard a single objection to the merits of this legislation—which, by the way, is an exact replica of what is being offered by the Republican majority in the House—I have to assume this is for reasons other than policy.

We have had a week to bring this forward. It has caused incredible uncertainty and unnecessary worry for the parents of children with autism as they wait anxiously to learn if the government is going to continue to reauthorize the very essence of the programs that have helped their children be able to fulfill their God-given potential to the maximum ability they can. I have met family after family who tell me this legislation has made an enormous difference in their lives. So I don't understand any reason, considering all the work that has been done, considering the bipartisan support, considering the House Republican majority is offering the same legislation, why we have not been able to pursue this.

Therefore, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 163, S. 1094, the Combating Autism Reauthorization Act; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of myself and several colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I wish to commend my colleague for his attention to this issue. Autism is a very difficult issue for many families, and the incidence of autism in our country is growing. I am thankful Congress, in its wisdom, a number of years ago, established agencies such as the Centers for Disease Control and the National Institutes of Health, where we have scientists and physicians and many others who are dedicating themselves to researching not just autism but cures for many diseases.

I appreciate again my colleague bringing this up, but I am afraid this is another example of political good intentions having many unintended consequences. The lobby to support autism is definitely very strong, and we appreciate that, but there are many diseases that children and people throughout our country face. We have put experts in place to determine where we can spend the money we allocate for medical research, and we need to leave that to the experts.

We have seen unintended results when our government tries to pick winners and losers. We tried to do it in the solar business 1 year or so ago. There are many companies in the solar business, but we picked one, and we didn't exactly know what we were doing. We gave $½ billion dollars to an effort that turned out not to be the best place to send taxpayer money.

Autism research will continue, and I think that is something we need to make very clear. The people we have put in charge of doing medical research will continue to do that medical research. The Congress does not have to decide how much we are going to spend on all the different diseases that affect Americans. There are many children facing diseases we don't understand, and they do not have the lobby many other diseases have. We cannot, from a political perspective, in an attempt to demonstrate our compassion, try to direct all the scientific and medical research from the floor of the Congress.

So I wish to make it clear that all of us who object support autism research. We will continue to try to make sure the funding for medical research is there. But it makes absolutely no sense for us, from where we sit, to try to play scientists and physicians and to know where the best outcomes will be and where we get the most for our money. If we are going to do that, we might as well decide what kind of medical equipment is going to be used or what kind of drugs are going to be used, and we certainly don't have that capability.

I am very thankful Dr. COBURN has taken up this issue for years and urged us to leave the decisions for medical research in the hands of those who understand it. Our job, as a Congress, is to continue to appropriate the money, which we will, for medical research. Autism research will continue, as well as research for many other diseases. Hopefully, we can make sure that funding is there because many families are suffering and we need to make sure we do our part in the research area.

So I welcome my colleagues in the majority bringing this bill to the floor for debate. We certainly are not blocking debate on this issue. But passing something such as this, without any debate and without any open vote, is not what Congress should be doing right now.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the Chair for the recognition, and I wish to recognize the good work my colleague, the Senator from New Jersey, has done on this issue.

I have been in the Senate a little over 6 years and I was cajoled into allowing this to pass the last time it passed. I have blocked every other disease-specific piece of legislation, and there is a reason for that. Both the last Director of the NIH and the current one caution against us being specific in what we demand them to do. There is a reason for that. Our science is changing enormously—enormously. We are now at the molecular level, at the genetic level, and at the immune level of thousands of diseases. What we research in diabetes now has prevalence for neurosciences. What we research in neurosciences now has prevalence for tons of other diseases. Dr. Zerhouni has said: Please don't do this.

I am known in this body to be a stickler on spending, but if there were two areas I would increase spending in our budget it would be to the NIH and to the National Science Foundation—both of them—and I recently reported out a report that was somewhat critical of some of the spending on the National Science Foundation. We can do

everything better. But the important aspect is no one who is opposing the reauthorization of this bill right now is opposed to autism research or the ideas behind it. What we are opposed to is tying the hands of the researchers and the Directors at NIH and telling them what they should do and how they should do it.

I would also dispute the fact the money will go away. The CR we are going to consider this week will continue this funding at the level it is until November 18, which gives us plenty of time to work with Senator MENENDEZ to work out some of our problems with this piece of legislation. So we come to this debate in good faith. We recognize the emotional ties associated with such a devastating disease. As an obstetrician and pediatrician, I have diagnosed it. I have treated it. I have sat with the families as they have suffered through the consequences of this disease. I don't take it lightly. But I also don't take lightly our inability to make the clear choices and ratchet around the moneys for the NIH.

What we should do is say: NIH, here is your money. Go where the science helps the most people in the quickest way and where the science leads us. At a time when our country is desperate to get our fiscal house in order, what we want is the most efficient NIH. What we want is nonduplicative grants at the NIH. What we want is no fraud in the grants associated with autism, which have been published and which people are now in jail for. We want that eliminated. We want the oversight on the NIH to be across the board in every area. Are they doing what we are asking them to do to spend the money wisely and what the science would tell them to do, not what any one particular interest group would tell them to do?

So I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1094, the Combating Autism Reauthorization Act, and that my amendment at the desk related to requiring the Secretary of HHS to identify and consolidate duplicative and overlapping autism funding throughout the Federal Government be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I understand that. My commitment is to work with the Senator from New Jersey to try to solve this problem before any funding would change, and I don't think it is going to change.

I would also note for my colleagues that last year we had over $450 billion appropriated by the appropriators that was not authorized for anything. There were no authorizations at all. So this money isn't going to go away. There is no hurry. There is no tragedy. We can continue, and we can work as colleagues to try to solve our problems as well as meet the demands the Senator from New Jersey thinks must be met.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. First of all, I appreciate my colleague's offer and certainly we will take him up on it—to have a discussion to see if we can come to a common understanding because the issue is far more important than anyone's ideological views. I look forward to working with him and others who are concerned.

Let me say, however, there are some inconsistencies. If you do not believe there should be a disease-specific reauthorization, then the CR does exactly that. It will be for a more limited time, but it will, in fact, reauthorize this bill but only to November 18. So whether that debate is about reauthorizing a disease-specific allocation, which is what I was trying to accomplish, or whether in the CR, I assume it will be the thinking of my colleagues to object to the CR on the basis it has a disease-specific reauthorization for a much smaller period of time, until November 18. I am not quite sure how that logic follows at the end of the day.

Secondly, I think it is rather cruel to use an analogy that talks about loan guarantees to some energy entity and talking about autism and families. When I hear the word ''lobby,'' that, of course, creates a pejorative description. What is the lobby here? The lobby here is parents—American citizens, husbands and wives, taxpayers who advocate for their children before their representatives. I thought, in a representative democracy, citizens have the right to go to their elected representatives and advocate for a point of view—even if, admittedly, that point of view is on behalf of the welfare of their child.

So I have a problem when I hear, in this context, the word ''lobby,'' as if it is a negative when a universe of parents in our country who pay taxes are simply trying to accomplish getting their government's attention on a disease that afflicts their children and their ability to function in this society to the maximum potential their God-given abilities give them. I don't care about listening to a lobby. The last time I checked, this is what democracy is all about.

Finally, I would simply say there is no guarantee—I know my colleague suggested there is a guarantee—that research into autism will continue. There is no guarantee of that. There is no guarantee of that. The reason why I objected to the other unanimous consent by my colleague from Oklahoma is because, in fact, we have a set of circumstances, if we read that unanimous consent request, where there would be a diminution of funds at the end of the day. So we either believe in a disease-specific reauthorization, which to some degree would be allowed, but then we take away all the funds.

The whole reason this legislation came to being was to coordinate the very efforts of the Federal Government together to, in essence, meet the challenge of autism.

Even when we listen to debate on disease-specific legislation and the opposition to disease-specific legislation, I would emphasize that while the name would suggest this is only about autism, this improves services for children with many different developmental disorders and conditions—from autism, yes, but Down syndrome, cerebral palsy, spina bifida, intellectual disabilities, and epilepsy.

So it is a program that involves a number of efforts, broadly based, to prevent and detect and improve the health infrastructure for all children who might face any of these developmental disabilities, not just autism.

Every year this program trains thousands of professionals to better care for individuals with a broad range of developmental disabilities, including but not limited to autism spectrum disorders. Given the long waiting lists that families often endure to receive diagnostic and treatment services, these programs are essential in addressing an urgent national health need.

So, Mr. President, I don't quite understand the opposition. It boggles my mind. They are against disease-specific legislation even though this has passed by voice vote in the past? Even though this passed unanimously out of the committee? Even though a disease-specific provision will be in the CR, which I assume they would oppose if they don't want legislation to move forward? Then they tell families they are lobbyists, and they have no right to lobby, that we shouldn't listen to their voices? Then they say there will be—don't worry, there will be money for research, when there is no guarantee? That is cruel, in my view, and there is no reason for it.

I would only hope we can have a change of heart so we can have families who have an incredible challenge and who love their children and want to do everything they can to help them fulfill the maximum of their potential to be able to do so. That is what we have done for several years now under this legislation.

My God, if we can't get things like this passed, I don't know where we are headed in the Senate. But I hope for a better day, and I am going to continue and insist until we achieve this.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PALESTINIAN U.N. REQUEST

Mr. CARDIN. Mr. President, I take this time to bring to the attention of my colleagues activities that will take place this week in New York at the United Nations and the request that has been made by the Palestinians that they seek status as an independent state with full membership in the United Nations.

It is clearly the position of the United States, it is clearly I think the position of the international community, that there needs to be two states, a Jewish State of Israel along with an independent Palestinian State, living side by side in peace. But the only way that will take place is through direct negotiations between the Palestinians and the Israelis. Prime Minister Netanyahu, the Prime Minister of Israel, was here in Washington and spoke before a joint session of Congress. He laid out very clearly how peace in the Middle East needs to evolve, through the recognition by the international community of the Jewish State of Israel and an independent Palestinian State through direct negotiations between the Palestinians and the Israelis.

Israel has been one of our strongest allies. They have been a loyal ally to the United States. We share common values. It is strategically critical to the United States, particularly in that part of the world. It is clear to all that the only way we will achieve the two states will be through direct negotiations between the Palestinians and the Israelis. The Palestinians have been reluctant to have these direct negotiations and tried to use intermediaries. They need to do it directly. Sit down with the Israelis. Negotiate the issues. That is the way to move forward to accomplish their goal.

The action they are seeking in the United Nations will be counterproductive. We have gone on record, every single one of us in the Senate of the United States, in S. Res. 185, a resolution I brought forward with my colleague from Maine, Senator COLLINS. It was passed unanimously by the Senate. It stated very clearly that if the Palestinians were to pursue this unilateral action through the United Nations, that would not advance the peace process, that it would be counterproductive to the objectives of the Palestinians to establish an independent state.

This past week, Senator COLLINS and I sent a letter to President Abbas, the President of the Palestinian group. We told him that we believed trying to go directly to the United Nations, circumventing the peace process, would be a lack of good faith in peace negotiations and that it would have repercussions on United States foreign policy.

What we have been told by the Palestinians is they will seek full membership as a state in the United Nations, going to the Security Council. That is not going to succeed. We hope the Security Council will recognize the inappropriateness of such action and will not take it up or will not provide the necessary support to forward it to the General Assembly. In the unlikely case that it were to get the necessary support in the Security Council, the United States has made it clear that it would veto any such action, for good reason—because it would be counterproductive to achieving the objectives of two states living side by side in peace.

The Palestinians may go to the General Assembly. Although they cannot get full membership, they could try to advance a resolution within the General Assembly in the United Nations. We know the numbers. We know what could happen. But I must tell you, seeking some form of recognition through the General Assembly, circumventing the peace process and the Security Council, will be harmful to advancing the peace process and the objectives of the Palestinians for an independent state.

Let the parties negotiate directly, in good faith. Israel has indicated they are prepared to do that. We have been prepared to do that—negotiate in good faith through direct negotiations. There are no shortcuts to achieving this. Moving through the United Nations will not achieve those objectives.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The junior Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEVADA TRAGEDIES

Mr. HELLER. It is an honor serving the people of the great State of Nevada, and today I am speaking on their behalf for the first time in the Chamber of the Senate. Before I begin, I would like to take a moment to reflect on two tragic events that have taken place in Nevada recently.

In Carson City, our Nation lost three Nevada National Guard members at a local restaurant shooting. Those members were MAJ Heath Kelly, SFC Miranda McElhiney, and SFC Christian Riege.

The other was the horrific crash at the Reno air races this weekend. As with the shootings in Carson City, this terrible event not only impacted the communities in northern Nevada but the entire State and the Nation. Having visited the scene where the crash occurred, it is difficult to describe the amount of damage that took place there.

Our State's first responders and medical personnel did an amazing job in a very difficult situation. My thoughts and prayers go out to all the victims and their families, and I wish the injured a quick recovery.

REENERGIZING AMERICA

Mr. HELLER. Mr. President, I am deeply humbled by the opportunity to stand here today and to address the body as Nevada's 25th Senator. Nevada is a small State, but it is one that has provided many with a great chance to succeed. Most people know that it was in Nevada where Samuel Clemens began to sign his writings as Mark Twain and reported on the territorial legislative sessions. However, the reason Samuel Clemens came to the Nevada territory was to follow his older brother, Orion Clemens, who served as the first and only secretary of the Nevada Territory. That position would later become secretary of state, a position which I held prior to my service in Congress.

Similar to the Clemens brothers who sought greater opportunities, it is in a State such as Nevada where a son of a mechanic can have the opportunity to interact with those who are responsible for governing the State. For instance, as a boy I delivered the newspaper to then-Gov. Mike O'Callaghan. For a time, I went to Sunday school with then-Lt. Gov. HARRY REID's sons, and I was educated at the same public high school as Senator Paul Laxalt. Our current Governor, Brian Sandoval, is someone whom I used to play organized basketball with. I wish to thank Senator Laxalt for his support and Senator REID for being here today. I also wish to thank Senator MCCONNELL for being here as well.

My father's automotive shop was across the street from the Nevada State legislature, so many of the legislators would come into my dad's business. I spent a lot of time there as a kid working in that garage, sweeping floors, repairing cars, fixing engines and transmissions. In that shop, I learned the value of hard work and responsibility and the importance of family.

I am proud of what I learned growing up in Nevada: values from two great parents, good teachers, and good neighbors. Nevada values such as faith in God, hard work, honesty, and commitment to family—these are the values I try to bring to Washington, DC, every day.

Although Nevada has changed over the years, in many ways it is very much the same place as when I grew up. I bring this up because I recall what it took for my father to keep his

business in operation, and I think about what might have happened if he were still in business today. During this time when so many people are hurting and our economy is so fragile, it is important to understand how government impacts our economy and businesses across the Nation. While Washington politicians tarnish one another, Americans are still out of work. My home State of Nevada, in particular, leads the Nation in unemployment, foreclosures, and bankruptcies. Nevadans do not want finger-pointing; they want jobs. Nevadans do not want political talking points; they want to keep their homes. Nevadans do not want to hear all the promises; they want to pass on a better future to their children and grandchildren.

Job creation and economic recovery should be a bipartisan value. Unfortunately, Washington is paralyzed by politicians and has been reduced to sound bites. Too often it seems we cannot move beyond the politics of today. It appears we are more interested in press conferences than solving our Nation's most pressing problems—issues such as Medicare, which is on the verge of bankruptcy. Instead of strengthening and preserving the program, it is often used as a political weapon.

The truth is, Washington has not done enough to get our Nation back on track and the American people know it. I recently received a letter from a small business owner who had this to say:

> My business had to dramatically cut our spending and unfortunately lay off half of our good employees. Many of our customers have lost their jobs and their homes due to government intervention in the housing market and massive mismanagement of our tax dollars . . . government employment has gone up, while private sector employment has dropped.

These are the kinds of stories I hear from Nevadans far too often.

For over 4½ years I have done weekly telephone townhall meetings, where I have the opportunity to speak with thousands of households across my great State. During a recent round of phone calls, I have been asking participants if they believe their children and grandchildren will have a better economic future than we have today. More than two-thirds of these respondents say no. Many Nevadans believe the economic burden of our national debt and the impact it will have on future generations will lead to fewer opportunities and less upward mobility. I am certain Nevada is not alone in this sentiment.

Do we want to be the first Congress that hands our children and grandchildren a lesser quality of life? This should serve as a wake-up call for Washington.

Passing a better life to our children and grandchildren is a value we all share as Americans. From all corners of Nevada and our Nation, the message is clear. The status quo is not working. We can no longer afford to ignore the biggest problems facing our country: government spending and the national debt. The choices are clear. We can continue down this path which leads to bigger government, higher taxes, less jobs, and rationed health care for our seniors or we can decrease government spending, create jobs, and fulfill our promises to future generations. Washington needs to place its trust in the American people to reenergize our economy, not the Federal Government. It was Reagan who said:

> From time to time, we have been tempted to believe that society has become too complex to be managed by self-rule, that government by an elite group is superior to government for, by, and of the people. But if no one among us is capable of governing himself, then who among us has the capacity to govern someone else?

Our debt will serve as an anchor on future prosperity if we do not work today to solve this problem. Business as usual is not an option. What we do as Senators and the decisions we make are critically important to those whom we wish to represent. Sometimes the results of our actions are seen immediately and sometimes the full ramifications take decades to unfold. Record deficits, high unemployment, an anemic recovery, and inflation are fueling anxiety over our Nation's fiscal health. The key to recovery is to create an environment where economic growth can flourish and provide certainty and stability to our Nation's job creators.

I evaluate legislation through what I call the entrepreneurial standard or the ''more, higher, less test.'' Does this bill provide more competition with higher quality at less cost? What would a small businessman do? If the Federal Government approached problems through an entrepreneurial perspective, we would have a more efficient government at less cost to the taxpayer.

Unfortunately, our government is not providing that certainty today. We have a temporary Tax Code, overly burdensome regulations, and an ever-increasing national debt. There is no question the Federal Government must stop spending money we do not have. If we are going to keep America exceptional, we have to chart a new direction for our country.

As families across Nevada struggle to pay their bills and fight to keep their homes, government spending has grown exponentially. This must end if we are going to turn this economy around. We must focus on the long-term health of our economy and remove impediments that have caused economic stagnation and disabled businesses from creating new jobs.

The Federal Government has been on a massive spending spree, and it is time for this reckless behavior to end. History offers little evidence that massive deficit-financed spending leads to economic recovery. As an opponent of the stimulus and the Wall Street bailout, I believe reining in government spending is critical to economic recovery and the future of our country.

The unemployment rate, foreclosures, bankruptcies, all represent people who have become victims of this recession. There are those who have endured pay cuts to keep their jobs, individuals who are underemployed, and seniors on fixed incomes dealing with the increases in cost-of-living expenses. No question, times are tough.

So the question we must answer is, Do we have the courage to overcome partisan divides and work together to solve our Nation's problems?

While we all may not be members of the same political party or share the same philosophy of government, I believe we are all here to do what is right. In these difficult times, it is more important than ever that we work together, find common ground, and make tough decisions to create jobs and get people back to work.

Every day I go to work to advocate for the great State of Nevada, and every day I let Nevadans know there is someone in Washington who is on their side. There is not a day goes by that I do not think about what can be done to create jobs and get our economy moving again.

This is not the first time Americans have endured tough times, and it probably will not be the last. There will be better days ahead. However, it is incumbent upon us to effect change in difficult times to create a better future.

Today, we are at a crossroads, possibly a defining moment in our Nation's history, where we must change the way we govern. The window of opportunity is available, but it is growing smaller every day. Mark Twain wrote: ''You are a coward when you even seem to have backed down from a thing you openly set out to do.''

I ask another question: What is it that we set out to do? I ran for office to make a difference, to leave this place better than I found it. We still are the greatest Nation on Earth, with the greatest form of government. Our best days are yet to come—if we act now to return our Nation to what made us great: families, entrepreneurs, community, the American dream.

We must stop the mindset that we have all the answers here in Washington because I can assure my colleagues we don't. The answers are out there. They are in places such as Nevada, Alaska, Ohio, and perhaps Kentucky; in small towns and large cities across this country. Let the American engine fire again. Tear down the barriers to growth and opportunity and launch this great Nation to its great next chapter. I stand ready to serve and ready to bring us all together.

When my children and grandchildren look back many years from now, it is my hope that history will show we rose to the occasion to ensure their future and the future of our great Nation. I am confident we can meet those challenges. Our strength as a nation is bigger than the troubles of today. May God bless the State of Nevada and may God bless this great country.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, I congratulate my colleague on his fine speech. I was happy to hear him mention some of my family. I think most everyone in Nevada knows that my son Leif is one of his best friends and vice versa. So I congratulate the Senator from Nevada on his first speech. It will be the first of many, and the first one is always the hardest. After that, it is a lot easier.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me add to the remarks of the distinguished majority leader and say congratulations to our brandnew Senator from Nevada for his outstanding inaugural address. He is off to a very fast start representing the people of Nevada and doing a wonderful job. I congratulate him again for an outstanding address.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES—Continued

Mr. WYDEN. Mr. President, under the leadership of Chairman BAUCUS, I have the honor of chairing the Senate Finance Subcommittee on International Trade. That is why I wish to take a few minutes to outline some of the issues I think are relevant to this important debate, about going to bat for workers under the trade adjustment program.

In my home State, about one out of six jobs depends on international trade. The trade jobs tend to pay better than the nontrade jobs. So I have said my philosophy about international trade is, what we ought to do is everything possible to grow things in Oregon and in the country, to make things in Oregon and across America, add value to them here, and ship them somewhere because this is an extraordinary opportunity we have in front of us in terms of expanding exports.

The fact is, the American brand—the brand that is attached to American goods—the exports we send all over the globe are something consumers worldwide want. That is my first point. More than 90 percent of the world's consumers live outside the United States—90 percent—and they are all potential customers for the products we make in the United States. More customers for American products means American businesses have to make more products. To make more products, they go out and hire more workers. Hiring more workers to make more products to sell to more consumers is the upside of the trade debate we are starting today.

Dismantling trade barriers to American exports gives our businesses access to those new consumers. Doing that creates and supports good-paying jobs—jobs people can support a family on, with a family-wage job.

As I mentioned, trade-related jobs provide better benefits and pay than many of those jobs unrelated to international trade. That is why when we have an opportunity to open markets to American products and American exports we ought to take advantage of it.

Point No. 2 is that our successful efforts to open markets are undermined when foreign governments and foreign competitors cheat. I use that word specifically because cheating is exactly what engaging in unfair trade practices that work to undermine our producers and our innovators is all about. So a central component of our trade policy always has to be enforcement—enforcement of U.S. trade laws and global trade rules.

Senator SNOWE, Senator PORTMAN, Senator BLUNT, Senator MCCASKILL, Senator SCHUMER, Senator BROWN, and I have been focused specifically on stopping foreign suppliers from laundering their merchandise to evade U.S. antidumping and countervailing duty laws. These are the duties that are put in place to remedy the damage that unfairly traded imports cause to American producers. Those foreign trade cheats, especially those from China, have been found guilty of dumping their goods in our country. Instead of stopping the dumping or paying the appropriate duties, the Chinese goods are shipped into a country such as Korea where the goods get repacked into boxes that say ''Made in Korea'' in order to avoid the U.S. trade remedy laws.

All of this has been occurring under the sleepy eyes—the sleepy eyes—of our customs agency. Fortunately, with bipartisan support, the Senate is positioned to act on this matter and address the issue. It will not come a minute too soon.

I was stunned when the staff of my Subcommittee on International Trade basically set up a sting operation, set up a dummy company, and we were amazed at the number of firms, particularly from China, that basically said: Look, we are plenty interested in figuring out how to get around American trade laws.

So these foreign trade cheats are out there. They are looking for ways to exploit the fact that the customs agency has not been tough, has not been relentless, particularly not with respect to protecting our manufacturers.

So point No. 2 is to make sure in the days ahead we put in place a stronger response to trade cheating, where cheats from China and other countries literally launder their merchandise, stamp it as coming from somewhere else, in order to avoid our trade laws.

The third point speaks to the bill we discuss today, and especially to the valuable Casey-Brown-Baucus amendment that I hope we will be voting on shortly. America's ability to compete in the global economy rests on opening foreign markets, enforcing the trade rules, and preparing our workforce—the American workforce, the workforce on which American businesses depend—to be globally competitive for the jobs of tomorrow.

That is what the TAA, trade adjustment assistance, Program is all about. Just as over 90 percent of the world's consumers live outside the United States, so does over 90 percent of the world's workers. Although we have the most productive, innovative workforce in the world, sometimes a foreign producer finds a way to do something better or produce something more efficiently than an American one. The result is, we can have Americans losing jobs through no fault of their own.

So the Congress decided long ago that the best way to respond to global competition was to meet it head on, to meet it directly, and that is what a trade agenda with a robust Trade Adjustment Assistance Program does.

Trade adjustment assistance throws a lifeline to the workers who lose their jobs, and to their families, because we have been open, we have been free, we have been expansionist in the area of trade, particularly when it comes to creating exports. Trade adjustment assistance provides American workers with an opportunity to acquire the skills they need to not just become reemployed but to help American businesses better compete in the global marketplace while those families make their way back to the American economy, where they can earn a wage at which they can support their families.

Trade adjustment assistance is a pretty modest program. The lifeline that is thrown to these workers is modest—just a few hundred dollars a week on average—and the job training that is provided to those workers is typically provided through existing infrastructure such as our community colleges. Trade adjustment assistance provides just enough assistance for resourceful and thrifty and industrious workers to rebound from a trade-related job loss. That, in effect, is what I hope we can start looking at programs such as trade adjustment assistance as being.

What we want these programs to be all about is to be something of a trampoline, where, in effect, people can get a modest amount of assistance, and through that modest amount of assistance be in a position to bounce back to the American economy with skills that have been improved and be in a position to again make a good wage at a company that can be involved in areas such as exports and productivity and innovation-driven services.

For much of the last half of the century, the United States vigorously promoted an open and global economy. As a result, our country launched an effort to become the largest, most dynamic market in the world. Today that global market is more competitive than ever before. The rise of China and India and other emerging markets,

such as Brazil and Russia, provide extraordinary opportunities to our innovators and our producers. But we do not get to be the top economy as a result of some kind of entitlement program. We have to constantly work at it. We have to constantly work at the task of making more innovative and more productive goods and services.

Together, Federal Government officials, businesses, and workers have the opportunity to seize the possibilities that a global economy provides and also overcome its challenges. Certainly, it is more important than ever to do that in the face of growing foreign competition. That means joining again now, on a bipartisan basis, to support trade adjustment assistance.

I would just like to note, having been involved in these issues since I came to the Senate, trade adjustment assistance has historically been a bipartisan program. It has been a program where the Congress, Democrats and Republicans, consistently said we can look at trade, we can look at exports as a vehicle for more family-wage jobs in our country—making things here, growing things here, adding value to them here, and shipping them somewhere. But certainly, in an ever-changing world, we are going to see some of our workers needing the opportunities to upgrade their skills that trade adjustment assistance allows.

So I very much hope my colleagues will support the Casey-Brown-Baucus amendment. It has my full support. It is very much in the spirit of the bipartisan work that has been done on trade adjustment assistance in the past.

Mr. President, I see other colleagues waiting to speak, and with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

FISCAL PLANNING

Mr. SESSIONS. Mr. President, yesterday, the President provided a fiscal plan on paper that he said reflects his latest fiscal vision for the country. It seems to be about the fourth vision we have had this year, and he has said we need to be honest with the American people and talk straight to them. I certainly believe that is correct, and I would share some thoughts about the President's plan and express disappointment that he has not been honest and direct with the American people, has not discussed in sufficient depth, in my opinion, the Nation's need to reduce spending because our debt is surging larger than it ever has in our history and presents a danger today and in the future.

The President needs to talk more about that. If we are going to ask the American people to reduce their spending, to take less from the government, to tighten belts, then we need to know why. I do believe he has not been sufficiently informative in his conversations because many of them emphasize increasing investments in various programs, in spending programs he has advocated, but with regard to the plan that was introduced yesterday he claims it would increase the fiscal year 2012 deficit by $300 billion; that is, next year it would increase the debt by $300 billion, but he says it would reduce deficits over the next 10 years, in the outyears, by $3.2 trillion.

We know what happens now happens. Spending that occurs today—the money is out the door—and promises to raise revenue in the future become less certain as each year passes by.

But assuming this is true, assuming we would actually do in the next 10 years the kind of things that would pay for this short-term spending, I would advise my colleagues that the fundamental claim the President is making—assuming his numbers are correct, and we do the things he suggests—it overstates by $1.8 trillion the amount of the savings. Mr. President, $3.2 trillion, no. Mr. President, $1.8 trillion reduced from that, and we are looking at about $1.4 trillion in savings and not $3.2 trillion. That is the fact. I will share with my colleagues the sad, grim fact of that.

How did it happen? Well, the bill, as the Washington Post said, is being criticized because of gimmicks that are in it.

First gimmick: The war-funding gimmick. The plan shows $1.1 trillion over 10 years in savings from putting a cap on war-spending costs. But those costs are going to decrease as the war effort unwinds whether or not this proposal is in place. They have been long been planned.

The President's proposed caps on war spending manipulate baseline concepts to show the savings that have been long planned and new—something he came up with this week, I suppose—new choices which inflate the spending cuts in his plan. In other words, it inflates the amount of spending he has cut by $1.1 trillion.

The Congress has dealt with this little gimmick in the budgetary process. I serve as ranking member on the Budget Committee, and we wrestled with these baselines and scoring possibilities. But that gimmick—the $1.1 trillion gimmick—was rejected during the recent debt ceiling debate, raising the debt limit. We talked about that and we didn't do it because it is not an accurate explanation of the cutting of spending. We don't have any plan to continue to spend in Iraq and Afghanistan the $158 billion we spend this year. And for 10 years? Give me a break. That has never been our plan and shouldn't be assumed as a baseline for spending. Claiming credit for not continuing that is not a legitimate way to analyze how much you have cut spending.

Some have said PAUL RYAN and the House Republicans, when they passed their budget, included the $1.1 trillion when they said they reduced spending by $6.2 trillion. They proposed a budget to cut $6.2 trillion. They also proposed a growth-oriented tax reduction and simplification plan that would create economic growth, netting out $4 trillion in actual savings. But PAUL RYAN and his committee did not—I have checked the numbers—consider $1.1 trillion in war savings—which no one has disputed should occur—off the present amount we are spending. He did not include that in the $6.2 trillion. He did have an alternative analysis that showed that, and people have seized upon that to say his fundamental proposal of a $6.2 trillion spending reduction included it. It did not.

Another big gimmick—one used too often in this body—is what we call the doc fix of Medicare. The Balanced Budget Act, in the late 1990s, proposed substantial reductions in physician fees. As the years have gone by, it has become more and more plain that doctors cannot sustain a 20-percent reduction or more in their fees for doing Medicare work. So each year we put that money back in. But it is part of the plan of a long-term budget. The statute itself has not been changed. So every year we have this little problem: Are we going to cut the doctors 22 percent or are we going to avoid cutting the doctors 22 percent? Well, we don't want to cut the doctors that much. They can't function. That is too big a cut for them. So we find the money some way every year. Mostly, we have borrowed it.

The President's plan assumes that money will be found for the doc fix and they will do it over 10 years to the tune of $293 billion. This trick counts the higher spending as a given rather than as a policy choice that needs to be offset. Without this gimmick, the President's health care savings of $320 billion the plan suggests will occur becomes health care savings of only $27 billion. You don't save $293 billion because of this gimmick because it is unpaid for. There is no source of income to pay for the President's assumption. We will pay $293 billion, which means he only saves $27 billion in health care, not $320 billion.

I believe this is a truly honest and fair analysis of the President's proposal. It is incorrect, putting it kindly.

There is another little gimmick. When the President talks about cutting spending—when he says we are cutting spending—what does he include in that? He is counting as spending reductions the net interest effects of his proposed policy changes, even though interest costs are the secondary effect of his proposed tax hikes.

For example, if you raise taxes and don't cut spending—and spending has not been cut in this plan—you raise taxes and you reduce projected deficits, we think about $1.4 trillion under the plan, less than half of what was projected, then you don't pay as much interest because you don't accrue as much debt. And you don't pay as much interest on a debt that is not accrued. They are scoring that as if they cut spending, when it is a natural by-product of increased taxes.

So when you remove the accounting tricks and the Washington gimmicks

that have contributed to this country being in the fiscal condition we are in, you are left with only half of the $3 trillion in deficit reduction the White House promised.

The White House also claims the President's plan has $2 in spending cuts for every $1 in tax hikes—$2 in spending cuts for every $1 in tax increases. Indeed, early in the year he suggested we should have a plan that would have $3 in spending cuts for every $1 in tax hikes. But is this accurate? Is it true we are achieving $2 in spending cuts for $1 in tax hikes?

If you eliminate the gimmicks, you will see it is absolutely not true. Under the plan, total Federal spending—including the jobs plan's stimulus bill—the new stimulus bill—will increase. The President's plan will not decrease total Federal spending. It will increase, not decrease. There is no cut in spending. On balance, there is not a penny of net spending that is cut—on net.

In a speech, the President said:

I'm proposing real serious cuts in spending. When you include the $1 trillion in cuts that I've already signed into law, these would be among the biggest cuts in spending in our history.

Well, that is not true. It is not accurate. I don't think it bodes well for us to be able to reach an agreement on these very serious issues if the President is pretending his plan cuts war costs or counts interest that shouldn't be counted or proposes we have a doc fix without any money with which to fix it. Those are the kinds of things that get us into trouble.

Despite the substantial increase in taxation under the President's plan, deficits would not be tamed. At no point over the next 10 years would deficits be smaller in nominal terms than the $459 billion recorded before he became President. That is the highest deficit in history. President Bush was roundly criticized for the $459 billion during his time. The lowest deficit under today's plan—the lowest over 10 years—would be $476 billion in the outyears, and it would start going back up again under the plan they propose, leading to a $565 billion deficit in 2021. And by the way, the last 3 years of deficits have been $1.3 trillion, $1.2 trillion, and this year will be $1.4 trillion in debt. So next year's deficit will actually surge beyond the current projections. We had hoped they would come down. But because of the new spending in this plan, $350 billion will be added to the deficit next year, putting us well over $1 trillion in deficit again next year. At a time when we should be reducing deficit spending, the immediate impact of the plan will be to increase spending, fostering more fear and uncertainty in our economy and the conclusion among the financial investors here and worldwide that we still haven't gotten the message and we are still out of control.

Over the next 10 years, deficits would total $6.4 trillion, and gross Federal debt would grow by $9.7 trillion. Gross Federal debt would grow by $9.7 trillion, exceeding $24 trillion in 2021, when last year we had about a $13 trillion debt. That would put our debt over 100 percent of GDP.

Properly accounting for the effect of the President's proposed policy changes, the actual amount of debt reduction proposed by the President is $1.4 trillion, consisting of $146 billion in spending increases that would increase the debt and $1.5 trillion in tax increases. So we may have raised a few weeks ago our legal debt limit, allowing us to run up more debt, but we have breached our economic debt limit. America's $14.5 trillion gross debt we have today is 100 percent of our economy.

A prominent study from economists Rogoff and Reinhart—praised by Secretary Geithner as ''excellent''—shows when a nation's gross debt reaches 90 percent of GDP it loses, on average, a percentage point or more in GDP growth that year. Our debt is depressing growth. Our debt is now 100 percent of GDP, and our growth is unexpectedly slow this year. Could that be a part of the cause? Some economists say no, but it certainly is consistent with the projections in their plan.

So the plan that was presented, I have to say, is gimmick piled upon gimmick, adding up to little more than a tax hike camouflaged as fiscal restraint. Promised spending control is nowhere to be found. When you are in a crisis, you must deal honestly with the American people. You must present the facts, along with a credible solution, and call on the people to respond and sacrifice together. Americans are good, decent, hard-working people who will accept a difficult choice if given to them in honest terms. But the White House is trying to be clever at the expense of being credible.

The debt is destroying jobs today, I believe. If we are going to restore confidence in growth, credibility in the President and in Congress is one asset we cannot afford to borrow against.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SESSIONS. Mr. President, can I ask unanimous consent to have 1 additional minute?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to congratulate my colleague Senator WYDEN on his work on this legislation, and also would thank him for his efforts to reach an agreement to improve our Tax Code. It is a big deal. A lot of expert witnesses have appeared before the Budget Committee. Senator WYDEN is a member of the Budget Committee. Those witnesses have told us that properly improving our Tax Code could improve growth, create jobs, and make America stronger. I appreciate the Senator's hard work and am looking at his proposal and thank him for contributing positively to the debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just before he leaves the floor, let me tell Senator SESSIONS how much I appreciate the kind words and enjoy working with him. We serve on the Budget Committee together and talk often about economic issues. I wish to tell my colleague that I look forward to working with him on tax and budget issues in the days ahead especially.

AMENDMENT NO. 626

Mr. President, what I would like to do now is take just a couple minutes to talk about the amendment offered by the distinguished Republican leader, Senator MCCONNELL, to extend trade promotion authority—what is known as TPA—for 2 years.

I am certainly interested in working with the leader. Certainly, Chairman BAUCUS has made it very clear that he wants to continue to work on this issue. But I would oppose the McConnell amendment this afternoon, and I want to outline specifically why.

The last time Congress passed trade promotion authority was in 2002, essentially almost one decade ago. The McConnell amendment would simply continue Congress's instructions that were formulated back then, as I said, almost one decade ago. But the fact is, the American economy has changed dramatically since TPA was adopted last, and the overseas trade barriers have changed dramatically. Yet the McConnell amendment simply hasn't kept up with the times. What I wish to do is outline a few examples of areas where we face very different economic challenges.

I would also like to say we talked about this very briefly in the Senate Finance Committee. It was raised by the ranking minority member on our subcommittee, Senator THUNE. So it is clear there is an interest in the Finance Committee in working on this issue.

Trade promotion authority is a hugely important and complicated issue. When it was considered the last time, there were extensive hearings in the Finance Committee. Many amendments were authored. There was considerable time devoted to it. That has not been the case at all with respect to reauthorization, and it is why, in particular, I wish to make sure that when the Congress next deals with trade promotion authority, we deal with some of the most important challenges. I am going to outline a few of those.

Digital goods and services would be of special concern that we have looked at in our community. Digital goods, for an example, would be software. Digital services would highlight cloud computing. I know it is something that has been of great interest in Minnesota. It is all about the Internet playing an increasing role in the American and the global economy. It is a platform for global commerce.

I believe the Internet represents the shipping lane of the 21st century. It is

the shipping lane for goods and services, and the 2002 version of trade promotion authority doesn't have the kinds of policies that are necessary to address today's challenges that affect our ability to export American goods and digital services.

A second example would be the question of labor and environmental standards with respect to our trade goals and intellectual property protection for pharmaceutical drugs.

In May of 2007, congressional Democrats and Republicans got together, on a bipartisan basis, to update trade goals with respect to key issues such as labor and the environment and intellectual property protection as it related to pharmaceutical drugs and therapies. These agreements that were entered into in 2007 aren't reflected in the 2002 version of trade promotion authority. So extending the 2002 version of trade promotion authority is another area where, if we simply support the McConnell amendment this afternoon, trade policy has not kept up with the times.

Finally, I would just like to mention China. The fact is, in 2002, we had a relatively short experience with China at the World Trade Organization and, more than ever before, state-owned enterprises play a role in global commerce, particularly given the rise of China. I think all of us agree our trade agenda ought to include promoting discipline so state-owned enterprises do not undermine the American private sector. That requires reconsidering, again, the provisions found in the 2002 version of trade promotion authority.

What it comes down to is that this issue deserves more consideration than a floor amendment with just a modest number of Senators even being aware of the history and the issues and the complexity of the issues. In fact, it would be fair to say that a significant number of Senators on both sides of the aisle weren't even a member of this body back when trade promotion was considered last in 2002.

So what it comes down to for me is, American trade policy is too important to construct on the back of a galloping horse. That, in my view, would be what the Senate would be doing if it simply adopted the McConnell amendment. Chairman BAUCUS is opposed to this amendment. He, such as myself, has made it clear he is interested in working with colleagues on a bipartisan basis on this issue, and it is an important part of the role of both the executive branch and the Congress in terms of looking at trade policy, and it is particularly important right now when, in a host of areas—I will give another example.

I cited already digital goods and environmental labor standards and state-owned enterprises. We had a very valuable hearing in the Subcommittee on Trade Finance on fishing issues, which are also playing an increasingly important global role in trade agreements and trade policy. That also was not part of any discussion back in 2002. Those issues and others need to be aired. They ought to be aired on a bipartisan basis.

I thought Senator THUNE, when we were in the Finance Committee, was right to ask about this issue. There is going to be an opportunity in the days ahead to work on this. Chairman BAUCUS has made it clear that he wants to work with colleagues on a bipartisan basis on trade promotion authority. I do as well. I already made that pledge to the ranking member of our subcommittee, Senator THUNE, who has been very easy to work with on a host of these trade issues. He has made some particularly important points with respect to digital goods and services and the opportunity for our high-tech sector—wrote a good article on it just a couple days ago.

Suffice it to say, there is a lot of interest on our side of the aisle in working on this issue. But I would urge colleagues to resist the McConnell amendment this afternoon when it comes up for a vote for the reasons I have outlined, and there will be time for the kind of debate on trade promotion that I think is appropriate, one that reflects the opportunities and challenges of an economy in 2011 that is very different than the one we were addressing when we last did trade promotion authority in 2002.

In an effort to come up with a unanimous consent agreement that can resolve the question of the upcoming votes, I would just say to Senators on both sides of the aisle that certainly the next hour would be a very good time for Senators who would like to speak on the Casey-Brown-Baucus amendment or the McConnell amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ DEADLINE

Mr. TESTER. Mr. President, during a trip to Baghdad this past January, I had the opportunity to meet with several members of the Montana National Guard's 163rd Combined Arms Battalion. That day, I told them that I was proud of each and every one of them, from unit commander LTC T.J. Hull and SGM John Wood, right on down the line. Through courageous service to our country, they were making tremendous sacrifices on our behalf, and they were representing the very best of Montana.

This month, these folks have been coming back home to Montana from their demobilizing station in Washington State. Today, I join their families, their friends, and their neighbors in welcoming the last group of those citizen soldiers back to Montana.

Job well done, soldiers. And I thank you.

For nearly a year, these 600 Montanans served in some of the harshest conditions imaginable—escorting numerous convoys across dangerous terrain and conducting other critical security missions throughout Iraq. At one point over the last 12 months, this unit accounted for more than half of Montana's best and brightest serving overseas. They gave up the comforts of their families, their homes, and their communities to bring stability to a nation on the other side of the world. Through it all, they showed courage in difficult times. They remained strong. And they were always in our thoughts and prayers.

Now they are home. It is our duty to continue our support by providing the benefits, quality care, and services they need as they transition back to their families, to their jobs, and to their communities. Many Iraqi veterans make that transition with success, coming home to good jobs and welcoming communities. But for others, making that transition is no easy task. It is no secret that there is a potential for higher rates of substance abuse, higher divorce rates, higher unemployment rates. The effects of post-traumatic stress disorder and traumatic brain injury can impact entire families. Thankfully, veterans often look after each other. We should recognize the important role of America's veterans service organizations and their willingness to help with that transition.

Montana was one of the first States in the Nation to adopt the Beyond the Yellow Ribbon Program. It involves entire families of National Guard soldiers and airmen, preparing them for the changes that come before, during, and after deployment. The Beyond the Yellow Ribbon Program is a success, and I am pleased that in the last Congress my colleagues gave all States the resources to implement it.

Furthermore, I will do my best to make sure we keep up our end of the bargain. Whether it is college education, health care, or compensation for an injury suffered on the field of battle, we will honor our commitment to our heroes. We make this promise to the men and women of the 163rd and to Montanans who make up the many other units of the Montana National Guard that were deployed this year and to those folks who are part of Montana's Red Horse Squadron, now in Afghanistan. To our reservists and to the folks serving in the Active-Duty military today, we make the same commitment.

Even as we make this commitment, many folks in Montana are wondering what should happen next in Iraq. Since 2003, our Nation has sent hundreds of thousands of young men and women to

fight in Iraq. We have done so at an enormous cost—4,474 Americans have given their lives, and more than 32,000 have been wounded. We cannot put a number on those who suffer from the injuries that are unseen. And let's not forget that the price tag of this war that was put on our children is quickly approaching $1 trillion, and then there are the tens of billions of dollars in waste and fraud.

The war in Iraq started with political leaders who had their own agenda. They went there looking for weapons that never existed. But through it all, the professionalism of our military never faltered. They provided security and democracy to a nation that had never known it.

But for far too long, Iraqi politicians did nothing to secure their own future. I first went to Iraq in 2007 and returned there again this past January. I was struck by how much it changed in those 4 years. Iraq was finally moving forward after too many wasted years, too many wasted dollars, and too many lives lost. There are many reasons for the change. The improved security from our military and the training provided by our troops played a big role. But American diplomats and military leaders told me that the biggest reason for the progress in Iraq was this: The Iraqis were told in no uncertain terms that the United States was leaving. Our military presence would end on December 31 of this year. That was what galvanized Iraqi politicians to take control of their own country.

Today, I am sending a letter to the President calling on him to stand by his commitment to pull all U.S. Operation New Dawn troops out of Iraq by the end of this year. We should bring the last of them home on schedule. U.S. marines will still guard our embassy, as they always have, and we will still maintain a strong diplomatic presence in Iraq.

Despite this year's deadline, I know there is talk of the possibility of keeping a sizable force of U.S. troops in Iraq through next year. If that is the case, it is not good. We cannot afford moving the goalposts. Across Montana and this Nation, people are saying: Come home and come home now. I know sectarian violence in Iraq will continue. We should not be asking American troops to referee a centuries-old civil war. That conflict is likely to continue into the distant future regardless of our presence.

Iraq now has the tools it needs to secure its economy. Iraq must solve the problems for its own people. Keeping thousands of U.S. troops in Iraq would needlessly put them in more danger, it would cost American taxpayers more money, and it would further distract us from our core objectives of protecting U.S. citizens and further dismantling al-Qaida and other terrorist groups. That is where our focus must be, and that is why I am saying let's end this war for good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I ask unanimous consent to speak as in morning business for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT JOSHUA J. ROBINSON

Mr. JOHANNS. Mr. President, I rise today to remember a fallen hero, U.S. Marine Corps Sergeant Joshua J. Robinson of Douglas, Nebraska. Sergeant Robinson was killed in action on August 7, 2011, while conducting patrol operations in the Helmand Province of Afghanistan. He was in his third tour of duty. His story of service comes to us at a time when many are reflecting on the 10th anniversary of the September 11th terrorist attacks—a fitting time to recognize the patriotism of a fallen hero.

Sergeant Robinson enlisted in the Marine Corps in 2003, a time when Operation Iraqi Freedom was in the beginning stages and many were unsure of what was to come. He felt the call to serve and was rightfully proud of his commitment to defend and protect our country. Sergeant Robinson's love of the outdoors provided him with many of the skills needed to be the best Marine he could be.

Sadly, his life was cut short too soon, and the Robinson family laid their Marine to rest in Hastings, Nebraska on August 16, 2011. Sergeant Robinson returned to his birthplace with valor and honor, having been awarded the Purple Heart, the Combat Action Medal, the Iraq Campaign Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal, and many other decorations during his military career. He died a brave and most honorable death. We are proud to call him one of our own.

The tradition of military service is strong in our great state of Nebraska, but strong soldiers are not possible without the support of family. I am confident Nebraskans will rally around Sergeant Robinson's family during this difficult time. He is mourned by his wife, two sons, mother and stepfather, sisters, and many others. It is the strength of his wife Rhonda that will remind Wyatt and Kodiak of the love their father had for them and for his country.

His mother Misi provided insight into her son's position to serve when she said:

> Our freedom was put on the line. It takes young men like Josh to enlist and protect the USA.

I know his family is proud of him and will always remember his spirit, his competitiveness, and his enthusiasm for adventure.

May God bless the Robinson family and all of our fighting men and women in harm's way.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DON'T ASK, DON'T TELL REPEAL

Mr. COONS. Madam President, I rise today to mark a momentous day and to stand with the millions of Americans for whom the end of don't ask, don't tell means the beginning of a real era of new equality for our Nation. It has been 60 days since Secretary Panetta, Chairman Mullen, and President Obama certified the U.S. Armed Forces were ready for the repeal of don't ask, don't tell. After 18 long years, today that policy finally comes to an end.

This is an important day. It is a good day. Today is a good day because our Nation, in my view, is taking a major step forward not just in the pursuit of equal rights but in the pursuit of equal responsibility. Today is a good day because we always talk about equal rights, but with don't ask, don't tell we are talking about Americans who sought equal responsibility, Americans who wanted to serve their Nation.

Nearly 14,000 LGBT Americans wanted to serve their Nation in their military but were deemed unfit to serve not because of what they did but because of whom they loved, as if loving another man made a soldier unable to aim a rifle or unwilling to die for his country. But for as many servicemembers who were drummed out—both literally and figuratively—under don't ask, don't tell, I cannot help but wonder how many more served in silence, proud of their uniform but made to feel ashamed of the person underneath.

LTC Charles George served his country for more than 30 years, including 28 years as a commissioned officer in the U.S. Army. His uniform is decorated with a wide range of medals and ribbons for dedicated service. When he graduated from ROTC in 1980, Charlie's boyfriend Dennis was there, and he wrote to me recently about his experience. He said:

> I sat next to his mother, keeping quiet so I wouldn't draw attention to our relationship. During his actual pinning, my eyes never left his for the entire process. I was so proud of him. At one point, his eyes found me in the audience and we smiled to each other. I still remember that moment.

That was the last of those moments they would have. In 30 years of dedicated Army service, that ROTC ceremony was the only military activity of Charlie's that Dennis would be able to be a part of. Charlie was determined to serve our Nation, and so they had to keep their relationship a secret.

Charlie steadily rose through the ranks to first lieutenant and then to captain. He was promoted to major and ultimately lieutenant colonel. These were all proud moments for Charlie,

but Dennis could not be in the room for any of them. ''The only thing harder than being a soldier is loving one,'' they would later recall hearing. I would offer the only thing harder than loving a soldier would be having to keep that love a secret from the world for a decade.

After 9/11, then-MAJ Charlie George was activated from Reserve duty, and like so many military families they discussed their now uncertain future. If Charlie had died in the service of his country, there would be no call on Dennis's phone from the Army, no knock on his door. Dennis would receive no crispily folded flag presented by a military honor guard. Dennis would never be able to be buried next to Charlie at the Arlington National Cemetery.

For 31 years they kept their relationship and their love a secret. Colonel George retired this year—a milestone he will celebrate next month in Rehoboth Beach, DE. For the first time since that ROTC ceremony more than three decades earlier, Dennis will be there proudly looking on. No more secrets, no more hiding, just the respect and dignity they both deserve—not just because of Charlie's long and dedicated service to the U.S. Army or because of Dennis's silent sacrifice but because they are both Americans.

I was proud to cosponsor the repeal of don't ask, don't tell last fall. I was even prouder to vote for it. Madam President, 3 months ago I was 1 of 13 Senators to record a video telling the gay, lesbian, bisexual, and transgender youth of this country that it gets better. As Americans we tell our kids that equality for all is a founding principle of our Nation, but our actions in so many ways have in the past failed to live up to these brave words. Our video was a promise to this generation of Americans, to the generation of my children, a promise that we are working to build an America free of legal discrimination, free of discrimination in our society; that LBGT youth have a future in this country where they will be entitled to the same rights, privileges, and responsibilities as every other American.

Bit by bit we are going to tear down these walls of discrimination. This is how we make it better. Don't ask, don't tell was discrimination, plain and simple. But today it is no more. Today is a good day.

Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE and Mr. BLUNT pertaining to the introduction of S. 1583 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BLUNT. Madam President, I wish to speak for a few minutes today about the bill that is on the floor, the amendment, in fact, to the general system of trade preferences bill. That amendment is trade adjustment assistance. Frankly, it is not a bill I would have drafted on my own, but my guess is neither would have the two people who negotiated the bill. This is a compromise between Chairman CAMP in the House and the Senator from Montana here. It is a compromise that reflects exactly that. It is not what either one of them may have come up with, and certainly not what I would have come up with. But, based on the President's determination, it is essential to move on to the three trade agreements that have been waiting to be voted on for 3 years now.

I intend to vote for this. I am looking carefully at the amendments. I am supportive of the two amendments we will vote on today. But if they would disrupt the balance of this agreement that has been made, I am going to look very carefully at that as these votes are cast.

Certainly, I wish for this President and all of his successors to have trade promotion authority. I think we have seen the difficulty of the President being able to negotiate a treaty as an agreement. A trade agreement that comes to the Senate and that could be amended by the Senate and which takes two-thirds of the Senate to approve—those days are over. Before trade promotion authority, we had essentially gotten out of the treaty agreement on trade because who wants to make that kind of agreement? Who wants to get into a room and negotiate a trade agreement only to see the thing maybe they thought was the biggest thing they had given up or the biggest thing they had gotten taken out of the agreement before the Senate votes on it?

So this up-or-down, yes-or-no, majority-in-the-Senate and majority-in-the-House trade promotion authority is very important. I wish we had an agreement that this President wanted right now, and that the next President—whoever that is and whenever that is—would have the ability to continue, because since we ran out of the trade promotion authority law, we have not had any agreements negotiated.

In fact, the three we have negotiated now, I want to talk about for a minute, but they have been available for 3 years and I am eager for the President to send them up. The President says this TAA issue, this trade adjustment assistance issue, has to be understood to be completed and will be completed, or at least he has to be assured it will be completed, before we get those three agreements.

It would be fine with me if we could adjust this some. I want to see the bill of my good friend from Oregon, who is on the floor, Mr. WYDEN, considered, of which I have cosponsored, on transshipments, where many of us in this body have problems in our States—I have two major problems I could talk about for a long time, but I will not today—where the proper authority has looked at what is happening, and they said: No, you have unfair trade practices. So there is a penalty on the country that is using those unfair practices to compete. But then what that country does is they start labeling the product as if it were from somewhere else, and they may ship the product through that other country and get it labeled there or they may short circuit that and put the label on it in their own country and say it was made somewhere else so when it comes in here, suddenly it does not have that penalty. Whether that is relabeling or I think, as my good friend from Oregon calls it, merchandise laundering, where you make the merchandise appear to be something it is not, so you no longer pay the penalty, I would love to see that on a bill here in the near future.

The other Senator from Oregon and I have a bill on affordable footwear that has trade impact I would love to see on a bill. This is a bill that potentially might have jurisdiction to go on. But that is not the agreement that has been made between the House and the Senate. I am going to be supporting that agreement and not doing anything that makes it impossible for us to get these three trade agreements. I am absolutely banking on the commitment by the President of the United States that if this happens, the three trade agreements come to the Congress. When they come to the Congress, I believe they pass the House and Senate, and they create great opportunity for American workers to send their products to other countries.

One of these agreements that has been there for a long time is the agreement with Colombia. Colombia already is able to ship its products in here without tariff under something that routinely passes the Congress called the Andean Preferences Act. So this is not about whatever labor conditions there are in Colombia. Their products already come here. This is about whether U.S. workers are going to have every possible advantage in Colombia. This is about whether Caterpillars made in the United States or John Deere tractors or moving equipment made in the United States has the same advantage in Colombia that the same piece of equipment made in Canada has. Right now, they do not have that advantage. We need to see that they do.

As to Korea, the European Union negotiated a trade agreement long after we negotiated this agreement, but it went into effect the first of July, and the year-to-year comparison, July over July, is, I think, 38 percent bigger this July than it was last July. The only difference between this July and last July is the trade agreement.

These are three countries where all of their trading history, all of their buying history—Panama being the third of the three—would be that given the choice of an American product to buy or a product from any other country but their own, they would give preference to the American product.

But we are giving away that market advantage by not creating this opportunity for American workers and American companies, big and small.

Agriculture is a huge beneficiary of these agreements. Lots of agriculture, lots of grain crop agriculture, lots of meat crop agriculture—whether it is chickens or poultry of all kinds or pork or beef—is very dependent on American family farmers who will see a great opportunity in each of these countries, given the opportunity to get their product under these agreements.

I am hoping that enough of my colleagues and I are able to get this general system of preferences bill, as amended with the TAA, done so we can get on to the job-creating work of these three trade bills. These are opportunities to create more private sector American jobs. Over and over, almost every Member of the Senate says that should be our No. 1 priority. The President says that is his No. 1 priority.

This work, combined as we get to the trade agreements, lets us do the easiest part of job creation and our No. 1 priority, which is to let American workers compete in places where the consumer wants to buy American products, eliminate those barriers, and move forward with these agreements and the bill on the floor today. Then, hopefully, we can get to the transshipment bill; hopefully, we can get to the Affordable Footwear Act, and, hopefully, we will eventually see TPA. The Senator from Utah has a bill that would synchronize trade adjustment assistance with any trade bill. And, of course, we should do that.

But let's get this work done. I look forward to this being done, and the President sending the bills up so that before the next month passes, hopefully, we will be seeing American products have the advantage they have been waiting for now or at least eliminate the disadvantage they have had needlessly for the 3 years since these agreements were all negotiated.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, I want to respond very briefly to my friend from Missouri, and then I know the Senator from California is here, and she wishes to speak for about 10 minutes. I am going to be very brief.

First, I want to thank Senator BLUNT for working with us in a bipartisan way. He played a key role in trying to advance this issue and worked very closely with all of us in the Finance Committee, Chairman BAUCUS, myself, and others.

The Senator from Missouri is absolutely right with respect to the tariff issue. The fact is, the American market is open. We essentially have some of the lowest tariffs around. In many of the markets around the world—and certainly in a number of areas with these three countries—we face much higher tariffs. So if we come up with an effort to, in effect, level the playing field, that means American companies, particularly American exporters, benefit more than do the folks around the world. So I think the point the Senator from Missouri has made is a very valid one.

I also want to thank him for his comment with respect to the trade cheats. We are going to have further discussions with respect to TPA, and I see the distinguished ranking minority member. When we talked about this in committee, I made it very clear I intend to keep working with Senator HATCH and Senator THUNE, who is the ranking member of the subcommittee. The challenge is to make sure TPA keeps up with the times. Because if we just reauthorize in 2011 TPA of 2002, we are not going to be dealing with digital goods and digital services, we are not going to be dealing with State-run enterprises, we are not going to be dealing with labor and environmental issues. That is why we are going to have to continue that work in a bipartisan way.

Madam President, Senator BOXER was going to speak next. Then I understand Senator HATCH wants to discuss his amendment, and I intend to remain for that.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, first, I want to say thank you to the leadership on this bill. This trade adjustment assistance is so critical. When we talk about creating jobs, we also want to talk about retraining those who need, in this century, the new kinds of training it takes to keep up in this economy and this world economy. So I want to thank them for their leadership.

JOBS AND DEFICIT REDUCTION

Madam President, I want to talk about jobs and deficit reduction. The good news on this front is that President Obama has presented to the Nation both a jobs plan and a deficit reduction plan. He has shown the Nation, through this plan, that while we must cut the deficit and the debt in the long term, we have to focus on jobs in the short term. His plan ensures that middle-class Americans get the jobs and the opportunities they need to continue to move ahead. It also makes sure we have a fair tax system in place so everyone pays his or her own fair share—not too much, not too little, but fair. So this approach is welcome.

I will tell you why I welcome it. Because the approach outlined by President Obama—deficit and debt reduction, investments in jobs—was the same vision that worked before when Bill Clinton was the President. I had the honor of being here in this body to support those policies. People forget that when Bill Clinton became President, there were deficits and debt as far as the eye could see, and this country was going on the wrong path. What he did was to make sure everyone paid his or her own fair share so we had the revenues we needed to make the investments we needed to create the jobs we needed.

In those years, the investments were in high-tech and biotech, and we really broke through on the global scene. Madam President, 23 million jobs were created and deficits were turned into surpluses. I remember looking back at the record. Some of my Republican colleagues who are still here today said: The Clinton approach is going to lead to the worst deficits, no job creation. They were incorrect.

We lived through it, and we know that vision of cutting spending on what does not work, increasing spending on investments, everyone paying their fair share—all that turned into prosperity, 23 million jobs. What perplexes me is that my colleagues on the other side of the aisle want to go back to the Bush years, trickledown economics, more tax breaks for millionaires and billionaires, no investments, so we even lose funding for our teachers, our firefighters, our nurses, and even our transportation stakeholders.

I am so grateful we passed an extension of the highway bill for 6 months. But, believe me, we face perils ahead because the House cuts that bill by a third, and we have to make sure that does not happen because 1.8 million jobs are at stake.

So I am perplexed that my Republican friends only evidence compassion and concern for the millionaires and the billionaires, but not for the middle class. Their compassion for the wealthiest is overwhelming. Their expressions of concern for billionaires—mind boggling. They call them the job creators, even though they are not the ones creating the jobs. The jobs are being created, if they are at all, by the way, by the small businesspeople. For 64 percent of new jobs, the creation comes from small business. They do not earn a million dollars. No way. So they call millionaires and billionaires job creators, which they are not, and they cry bitter tears that we might ask a millionaire or a billionaire to pay a fair share.

When I was young—and maybe I shouldn't tell the truth because this is going to date me—there was a show on television called ''Dragnet.'' The star of it was Joe Friday. Joe Friday used to say: ''Just the facts.'' So let's look at just the facts. Let's look at the facts. Why are my Republican friends defending the wealthiest among us? Since 1995, the wealthiest 400 Americans have seen their tax rates fall by 40 percent, while their average income has quadrupled. Let me say that again. The wealthiest 400 families saw their income go up by four times and their tax rates went down by 40 percent. Why do they have to cry for that situation? Why the tears?

Here is another fact and this is amazing. The wealthiest 400 families are worth more than 50 percent of American families. Let me say that again. The wealthiest 400 families in America are worth more than 50 percent of America's families. Senator BERNIE SANDERS from Vermont brought that fact to us. Why the tears for those 400 families?

One of those people, Warren Buffett, came forward. Bless his heart. He said his effective tax rate is lower than his secretary's. His effective tax rate is lower than his secretary's. Why are we crying for people who earn millions and billions and pay a lower effective tax rate than their secretaries? I thank Warren Buffett for coming forward and other millionaires and billionaires have come forward and basically underscored that. Here is what he said:

My friends and I have been coddled long enough by a billionaire-friendly government. It's time for our government to get serious about shared sacrifice.

I think he is right. Why should a millionaire or billionaire pay an effective lower tax rate than firefighters who risk their lives every day, than nurses who save lives every day, than their own assistants and secretaries who are so important in running their enterprises? Our President Obama has suggested millionaires and billionaires pay the same effective tax rate as their employees. That should be embraced, not attacked as class warfare.

I ask, is it class warfare to say to a millionaire or a billionaire they should pay the same effective tax rate as their secretary or is that just the moral thing to do? It is the moral thing to do. Is it the fair thing to do? It is the fair thing to do. Our country needs everyone to help us as we tackle the deficit. So why the tears? Why the tears? These are not the job creators. These are not people who have given the last 10 years. We have seen their incomes rise exponentially and their taxes go down.

So I don't think it is class warfare at all. It is just a talking point for Republicans. But since they have raised it, I would say this. I don't think it is class warfare to ask millionaires and billionaires to pay the same effective tax rate as their secretaries, but I think Republican policies are class warfare on the middle class. Look at their policies. They would end Medicare and put middle-class senior citizens in jeopardy. They want to privatize Social Security and put middle-class seniors in jeopardy. They want to cut one-third of the funds from transportation, which would mean 600,000 layoffs for middle-class workers.

They stopped us from helping small business by blocking Senator LANDRIEU's Small Business Innovation Act. They blocked the EDA—the Economic Development Act—which would have created 1 million jobs over 5 years. They have taken no action on the FAA bill. They have not appointed conferees, and we can't get that bill done that is hundreds of thousands of jobs.

When Republicans took control of the House, gross domestic product had grown at an average of 2.5 percent after the Recovery Act. Now it is down to 0.7 percent—from 2.5 percent of growth to 0.7 percent. The Republican Congress put the brakes on job creation, and that is a strong reason why this economy has slowed.

Even before they have read the fine print of President Obama's proposal, they say it is dead on arrival. So let us be clear: Again, asking millionaires and billionaires to pay the same as their secretaries is not class warfare, it is moral. Mark Cuban, the owner of the Dallas Mavericks, says it is the most patriotic thing we can do.

So instead of crying for millionaires and billionaires, I am thinking of sending a box of Kleenex tissues over there to PAUL RYAN, who is lamenting this attack on millionaires and billionaires. Poor thing. Poor guys, poor gals. Instead of doing that, let's fight for the middle class around here. Let's get our arms around deficit reduction by asking everyone who can to pay their fair share.

By the way, let's give tax breaks to the middle class. Do you know these same Republicans who are crying their tears for the millionaires and billionaires say they do not want to give a tax break to working people? They are against the payroll tax proposal which would suspend that payroll tax for a period of time. I ask them to stop blocking bills that would create jobs. Stop blocking tax breaks for the middle class. Stop going after middle-class seniors. Stop crying for billionaires and help us pass elements of the Obama jobs plan which include bipartisan proposals all of us have supported in the past.

I think that is critical. We did this before with Bill Clinton—we created jobs, we strengthened the middle class, and we created surpluses by asking everyone to pay their fair share. Remember, when our President took over, this country was bleeding 700,000 jobs a month. I remember that—700,000 a month. We were on the verge of losing our automobile industry. This President took action. He doesn't get the credit for that, and that is OK. There will be time enough to spell it out. But all we have to do is look back to those days. Credit was frozen.

The Presiding Officer remembers that. Capitalism was coming to an end. This President acted. I have to say this: I don't want to go back to those days of bleeding 700,000 jobs a month. I don't want to go back to the days of credit freezes. I don't want to see these deficits continue. I want everyone to pay their fair share. Most of all, I want jobs for the American people.

So if we can stop crying tears for the people who have it all and we can roll up our sleeves and work together for the middle class, we will strengthen this Nation. We will solve our problems, just as we did when Bill Clinton was President. We have the roadmap. President Obama has taken steps to follow that roadmap. We know it works. We will get these deficits down, we will get the debt down, we will help the middle class and, yes, the wealthiest among us will pay the same tax rate effectively as their secretaries. You know what, if we do that, Democrats and Republicans can feel good about this country again. Let's work together and let's not say now that we can't ask billionaires to pay their fair share and let's not keep the middle class from getting their tax cuts and their jobs. That is what is important.

I wish to thank the leaders on this issue for letting me have the time to talk about this middle-class attack that we are seeing, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I wish to talk about an amendment I intend to offer linking TAA expansion to enactment of the three pending free-trade agreements.

I will send an amendment to the desk in the near future for consideration. This amendment makes the effective date for additional TAA funding contingent upon the enactment of our free-trade agreements with Colombia, Panama, and South Korea.

It is unfortunate this amendment is necessary. Supporters of this trade adjustment assistance bill tell us that TAA is a necessary precondition to submission of our pending free-trade agreements—a necessary precondition of the President. The President and his supporters say if TAA does not pass, the free-trade agreements will never be sent to Congress for our consideration.

I find this logic disturbing. It basically boils down to this: Spend more taxpayer money on one of our pet trade priorities or we will refuse to allow Congress to vote on trade agreements that we know will create jobs. The administration has said it will create 250,000 new jobs. By the way, at a time when unemployment is over 9 percent, I simply can't understand why the President continues to hold up these FTAs and their consideration.

Even today, we don't know if the President will actually send the FTAs to Congress if we pass TAA. So my amendment is very simple. It allows TAA to be approved, but it will only go into effect once the President submits the trade agreements to Congress, they are all approved, and when they are signed into law.

To me, this amendment is about fundamental fairness. If we are to meet the President's demands, we can at least ensure our top priorities are addressed as well.

I think it is worth taking a moment to review how we got here.

In December 2010, the President announced he had finally reached agreement with South Korea to renegotiate parts of that trade agreement. Touting the benefits of these changes, the President seemed poised to immediately begin working with Congress

toward its quick implementation; that is, the implementation of the Korean Free Trade Agreement.

In February, Senator MCCONNELL and I wrote to the President commending him for his strong support for the South Korea agreement but also expressing disappointment we did not see the same level of commitment to our pending free-trade agreements with Colombia and Panama. At that time, we warned that further delay would mean lost market share and alienation of key Latin American allies. We also made it clear each agreement would receive broad bipartisan support once the President submitted them to Congress for approval.

Three days later, the President responded when Ambassador Kirk testified before the Ways and Means Committee that the President had directed him to immediately intensify engagement with Colombia and Panama to resolve the administration's outstanding issues with these two agreements.

Senator BAUCUS and I welcomed that development when we wrote to Ambassador Kirk on February 14 and asked that he be prepared to provide testimony regarding what additional steps the administration believed Colombia and Panama should take and to provide a clear and expeditious timeline for moving both agreements through Congress.

Shortly thereafter, in early March, Ambassador Kirk notified Congress the administration was ready to begin technical work on the South Korea implementing bill with the intent to seek approval in the spring of this year. Senator BAUCUS and I welcomed this development but again called for a specific timeline for resolution of the outstanding issues with Colombia and Panama.

During our March 9 hearing on the administration's trade agenda, I made it clear that consideration of the South Korea agreement, without a clear path for the Colombia and Panama agreements, was simply not acceptable and that should the President ignore the will of Congress and send the Korea agreement without Colombia and Panama, I would do everything I could to make sure those two agreements were considered at the same time as Korea.

Shortly thereafter, in early April, the President finally took steps to fully engage with the Government of Colombia, announcing an agreement on a labor action plan that would enable the administration to begin working with Colombia to achieve benchmarks that, if met, would then enable the President to submit the agreement to Congress. A few weeks later, Panama met one of President Obama's preconditions for consideration of their FTA when they approved a tax information exchange agreement and finalized additional modifications to Panama's labor laws.

So there we stood in May, on the cusp of victory. Months of intense congressional pressure appeared to have finally resulted in an opportunity for Congress to consider our trade agreements with these important allies. But alas, it was not to be.

Mr. WYDEN. Would the Senator yield for a unanimous consent request? Because 5 o'clock is coming.

Mr. HATCH. I would be happy to yield, without losing my right to the floor.

Mr. WYDEN. I thank my colleague. Certainly, when I am done, the Senator is next to continue his comments.

I ask unanimous consent that the pending McConnell amendment No. 626 be modified with the DeMint language which is at the desk; and Senator HATCH or his designee then be recognized to offer amendment No. 641; that the time until 5 p.m. be equally divided between the two leaders or their designees for debate on the McConnell amendment, as modified; that at 5 p.m., the Senate proceed to executive session to consider the following judicial nominations: Calendar Nos. 169 and 170; that there be up to 15 minutes of debate on the nominations, equally divided, in the usual form; that upon the use or yielding back of the time, Calendar No. 169 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 170; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; that upon disposition of the judicial nominations, the Senate proceed to a vote in relation to the McConnell amendment, as modified; that there be no amendments, points of order or motions in order to the McConnell amendment prior to the vote on the amendment, other than budget points of order and the applicable motions to waive; that the amendment not be divisible and it be subject to a 60-affirmative vote threshold; the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 626), as modified, is as follows:

At the end, add the following:

TITLE III—TRADE PROMOTION AUTHORITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Creating American Jobs through Exports Act of 2011''.

SEC. 302. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

''(A) may enter into trade agreements with foreign countries—

''(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

''(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and'';

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

''(C) The President may enter into a trade agreement under this paragraph—

''(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

''(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c).''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''before July 1, 2005'' and inserting ''on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''after June 30, 2005, and before July 1, 2007'' and inserting ''on or after June 1, 2013, and before December 31, 2013''; and

(II) in clause (ii), by striking ''July 1, 2005'' and inserting ''June 1, 2013'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''April 1, 2005'' and inserting ''March 1, 2013'';

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''June 1, 2005'' and inserting ''May 1, 2013''; and

(ii) in subparagraph (B)—

(I) by striking ''June 1, 2005'' and inserting ''May 1, 2013''; and

(II) by striking ''the date of enactment of this Act'' and inserting ''the date of the enactment of the Creating American Jobs through Exports Act of 2011''; and

(D) in paragraph (5), by striking ''June 30, 2005'' each place it appears and inserting ''May 31, 2013''.

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting '', or'';

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

''(2) establishes a Trans-Pacific Partnership,''; and

(C) in the flush text at the end, by striking ''the date of the enactment of this Act'' and inserting ''the date of the enactment of the Creating American Jobs through Exports Act of 2011''; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking ''the enactment of this Act'' and inserting ''the date of the enactment of the Creating American Jobs through Exports Act of 2011''.

SEC. 303. MODIFICATION OF STANDARD FOR PROVISIONS THAT MAY BE INCLUDED IN IMPLEMENTING BILLS.

Section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)), as amended by section __02, is further amended in paragraph (3)(B) by striking clause (ii) and inserting the following:

''(ii) provisions that are necessary to the implementation and enforcement of such trade agreement.''.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, on the cusp of victory, the President sacrificed it by demanding more government spending on a controversial domestic training program.

After first asking Colombia, Panama and South Korea to take unprecedented steps to solve our President's concerns with each agreement, the administration held a press conference and, with no prior cngressional consultation or notice, announced that they would not submit our pending trade agreements to Congress unless Congress first agreed to continue funding a domestic spending program at near stimulus levels.

This was an astounding development. Instead of working with Congress to seek approval of these job-creating trade agreements the President chose to try and force Congress to agree to additional domestic spending first. In an opinion editorial, the Wall Street Journal called this move ''extortion.''

Weeks of intense negotiations followed between the White House, Senator BAUCUS and Chairman CAMP to develop a package that would expand and renew trade adjustment assistance through 2014.

Meanwhile, committee staff worked with the White House to prepare the implementing legislation for quick congressional consideration. It appeared that we were once again close to successfully considering these important trade agreements.

But yet again, it was not meant to be. Upon reaching an agreement on the substance of a trade adjustment assistance package with Chairman CAMP the White House again changed course, turning its back on a willing Congress and instead trying to force through consideration of trade adjustment assistance by including it in the implementing bill for the South Korea FTA.

And, once again, this was done with virtually no notice or consultation with Congress.

The reaction by the Republican caucus was predictable. We fought the administration's efforts to abuse trade promotion authority for its own narrow purposes and pushed for consideration of trade adjustment assistance on its own merits.

Our position was made clear in a letter—signed by every Republican member of the Finance Committee—to the President, in which we expressed our united opposition to inclusion of expanded trade adjustment assistance in an implementing bill submitted to Congress under trade promotion authority.

The administration ignored our concerns, and pushed forward on a partisan path to force a vote in the Senate Finance Committee.

As a result, while the implementing legislation for the Colombia bill and Panama bills received strong bipartisan support, the South Korea implementing bill moved through committee on a strict party line vote—the first time a trade agreement has done so in over 25 years.

The administration then vowed to move forward on this path within days.

After that we heard remarkably little from the administration about their intentions regarding these trade agreements. Until August, of course, when the President repeatedly called upon Congress to take the agreements up ''right now'' to help create jobs.

This hollow call for action typifies the President's approach to the trade agenda. By calling upon Congress to act, he appears to be embracing the agreements and pushing for their quick approval. But, like so many of the President's trade initiatives his words do not match his deeds.

In reality, Congress cannot take up these agreements ''right now.'' President Obama is relying upon a trade law called trade promotion authority to protect each of these agreements from being blocked or amended by Congress.

In order to take advantage of this statutory authority, it is not Congress but the President who must take the first step and submit each agreement for consideration. If the President does not submit them, Congress cannot act under trade promotion authority.

The President and his team know this. In fact, here is a chart which outlines the TPA process called ''How A Trade Agreement Moves Through Congress Under TPA.''

This was taken directly from the Web site of the Office of the United States Trade Representative. It clearly shows Congress cannot act until the President submits the agreements.

But why take responsibility for moving the agreements when it's much easier to blame their continued delay on Congress? The fact is the President wants all the benefits of trade promotion authority but none of the responsibility.

Once they were called out on the mismatch between their words and deeds, the administration finally reined in their rhetoric but provided little guidance as to what their actual plans are.

In the meantime, Republicans continued to push for consideration of the three pending FTAs. Back in July, a group of Republican Senators signed a letter vowing to help the administration achieve its objective of gaining approval of trade adjustment assistance in exchange for submitting the FTAs. Despite a clear path forward the President remains silent to this day.

As the President continues to delay, our country cedes each of these markets to our foreign competitors. Our economy and our workers are suffering under horrific levels of unemployment—almost one in ten American workers is out of a job under this administration. We can't afford to throw away any opportunity to create jobs. Yet this is precisely what the President is doing.

While our economy remains troubled, and while the rest of the world watches in bewilderment as the United States lets other countries take over our export markets, we hear nothing but silence from the President.

A case in point: the European Union's exports to South Korea increased almost 45 percent in the first 20 days since that agreement went into force on July 1. Their share of Korea's import market increased from 9.5 percent to 10.3 percent in just 3 weeks.

Meanwhile, the U.S. share of Korea's import market dropped from 10.5 percent to 8.4 percent. Unless we act soon, these trends are likely to continue.

In an open letter to the President and Congress, over 120 food groups and companies wrote that ''if there is any doubt about the seriousness of the problem for U.S. agricultural exports, one need only consider the damage that has already been done by the delay in implementing the Colombia FTA.

''Argentina and Brazil have negotiated trade agreements . . . with Colombia that have given them preferential access . . . as a result, U.S.-produced corn, wheat and soybeans have been hit hard, with the combined share of Colombia's imports for these products falling to 28 percent from 78 percent since 2008.''

On August 15, 2011, an agreement between Canada and Colombia entered into force, which will only make the problem worse for U.S. exporters.

I appreciate the President's goal of doubling exports. Having goals is great. But we all know that, if you don't do the work or take action, goals become little more than false hope—they never become reality.

The President and his cabinet admit that these agreements are key to their goal of doubling exports. Yet the action necessary to reach that goal, submission of the agreements, still remains in the distant future. Instead, we watch the days slip by, and with each day our overseas markets erode.

The fact is that each of these agreements is critically important to our economy. For my home State of Utah and for workers across the country they mean more opportunity and jobs.

The National Association of Manufacturers estimates that U.S. workers lose $8 million in wages and benefits every day these agreements are delayed.

I for one stand ready to continue to fight for their consideration and approval. We have come a long way since January of this year, but we are not done yet.

I hope the President will heed my call and submit these agreements to Congress so we can approve them. But history has shown that this President won't act unless he is forced to. This amendment I am offering will continue to put pressure on him to act and to act soon.

The time for dithering and deliberation is over. Let's adopt this amendment and ensure that our work in moving TAA forward leads to the promised result—submission of the three pending free trade agreements by the President and their quick enactment in to law.

AMENDMENT NO. 641 TO AMENDMENT NO. 633

Madam President, I send amendment No. 641 to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 641.

Mr. HATCH. I ask unanimous consent that further reading be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the effective date of the amendments expanding the trade adjustment assistance program contingent on the enactment of the United States–Korea Free Trade Agreement Implementation Act, the United States–Colombia Trade Promotion Agreement Implementation Act, and the United States–Panama Trade Promotion Agreement Implementation Act)

On page 31 of the amendment, between lines 7 and 8, insert the following:

SEC. 231. EFFECTIVE DATE FOR TRADE ADJUSTMENT ASSISTANCE CONTINGENT ON ENACTMENT OF CERTAIN FREE TRADE AGREEMENT IMPLEMENTING BILLS.

Notwithstanding section 201(b) or any other provision of this subtitle, the amendments made by this subtitle shall take effect on the date on which the United States–Korea Free Trade Agreement Implementation Act, the United States–Colombia Trade Promotion Agreement Implementation Act, and the United States–Panama Trade Promotion Agreement Implementation Act have been enacted into law.

Mr. HATCH. Madam President, I am prepared to proceed.

EXECUTIVE SESSION

NOMINATION OF JOHN ANDREW ROSS TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

NOMINATION OF TIMOTHY M. CAIN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session and the clerk will report the nominations.

The legislative clerk read the nominations of John Andrew Ross, of Missouri, to be United States District Judge and Timothy M. Cain, of South Carolina, to be United States District Judge.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, while I am pleased we are going to confirm the nominations today, they have been pending in the Senate for 117 days for no reason or justification.

More troubling, the time of vacancies in courts around the country have remained at or above 90 for 2 years. We should be acting on the other 27 judicial nominations reported favorably by the Judiciary Committee and ready for an up-or-down vote. Never during either Republican or Democratic administrations have I seen a time when nominations, approved unanimously by the Judiciary Committee, then wait month after month after month to be considered on the floor.

Mr. President, President Obama came to Congress 2 weeks ago and made a compelling case for passing the American Jobs Act. The bill he asked us to pass includes bipartisan proposals that have received broad approval in the past from members of both parties, including extensions of tax relief for businesses to encourage hiring. They are consensus proposals we can enact today. We should answer the President's call and act right away to help get Americans back to work and grow the economy. With the unemployment rate at an unacceptable 9 percent, we in Congress should be doing all we can to help our fellow Americans.

There is another unacceptable rate that we can help change to the benefit of all Americans. That is the judicial vacancy rate. It now stands at 11 percent, with 94 vacancies on Federal courts around the country. We can act today to bring down that rate dramatically by considering and confirming 29 judicial nominations approved by the Senate Judiciary Committee that are awaiting final Senate action. With very few exceptions, the judicial nominations now on the calendar are not controversial and could be confirmed today.

Twenty-five of the 29 judicial nominations on the Senate Calendar were reported unanimously, and all but 1 of the 29 was reported with significant bipartisan support. All 28 of these consensus nominees have been favorably reported after a fair but thorough process, including an extensive background material on each nominee and the opportunity for all Senators on the committee, Democratic and Republican, to meet with and question the nominees. They have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. These are the kinds of consensus nominees that in past years would have been considered and confirmed within days or weeks of being reported, not delayed for weeks and months.

Certainly this was the practice we followed during President Bush's two terms, when consensus judicial nominees reported without any objection by the Judiciary Committee were confirmed an average of 28 days after they were reported. In President Obama's nearly 3 years in office that wait time for unanimously reported nominees to be considered by the Senate has nearly tripled to 78 days, and that number continues to climb as the delays continue. It is taking nearly three times as long for nominees that are by every measure consensus, noncontroversial nominations. They are nearly all confirmed unanimously when the Senate is finally allowed to vote. We should act today and not delay further.

The effects of these unnecessary delays have been dramatic and damaging. During the first years of the Bush and Clinton administrations, we were able to reduce vacancies significantly by confirming judges. The vacancies that had numbered over 100 early in those administrations were dramatically reduced by this juncture. By early September in the third year of the Bush administration judicial vacancies had been reduced to 54. By early September in the third year of the Clinton administration they had been reduced to 55. In contrast, the judicial vacancies now in September of the third year of the Obama administration stand at 94, with a vacancy rate of 11 percent, nearly double where it stood at this point in President Bush's third year.

As the Congressional Research Service confirmed in a recent report, this is a historically high level of vacancies, and this is now the longest period of historically high vacancy rates on the Federal judiciary in the last 35 years.

Even though Federal judicial vacancies have remained near or above 90 for more than 2 years, the Senate's Republican leadership continues to delay votes on qualified, consensus nominations. Republican obstruction has led to a backlog of over two dozen judicial nominations pending on the Senate's Executive Calendar, nearly half of them to fill judicial emergency vacancies. No consensus nomination to fill a judicial vacancy should be left to languish on the calendar 1 day longer than necessary, let alone for months and months.

Millions and millions of Americans are directly affected by this obstruction. More than half of all Americans—nearly 170 million—live in districts or circuits that have a vacancy that would be filled today if the Senate would act. More than half of all States—27—are served by courts that have nominations currently pending on the Senate's Executive Calendar. The Republican leadership should explain to the millions of Americans in these States why they will not vote. They should explain to the people of Louisiana, Maine, New York, Texas, Arkansas, Pennsylvania, Florida, Wyoming, Alaska, California, Delaware and Arizona why there continue to be vacancies on the Federal district courts in their States that could easily be filled if the Senate would vote on the President's qualified, consensus nominees. They should explain to the people of the many States that comprise the Second Circuit—Vermont's circuit—and the Fourth, Fifth and Ninth Circuits why those important Federal appeals courts are short on badly needed judges who could be confirmed today.

These 170 million Americans should not have to wait more weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country. They should not have to bear the brunt of having too few judges available to do the work of the Federal courts. At a

time when judicial vacancies remain above 90, these needless delays perpetuate the judicial vacancies crisis that Chief Justice Roberts wrote of last December and that the President, the Attorney General, bar associations and chief judges around the country have urged us to join together to end. The Senate can and should be doing a better job working to ensure the ability of our Federal courts to provide justice to Americans across the country.

Some have pointed to delays on judicial nominations in the past, real or imagined, to justify the continuing failure to take serious action to address the vacancies crisis. They recall selected instances where Democrats voted against some of President Bush's controversial nominees to justify the across the board freeze on dozens of consensus nominees. They forget the progress we were able to make in those years to confirm judicial nominees and fill vacancies. We confirmed 100 judges in the 17 months I chaired the Judiciary Committee in 2001 and 2002. The Senate has yet to confirm 100 judges in this, the 32nd month of the Obama administration. This is another issue on which I hope that we can rise above what the President called ''the political circus'' to return to Senate's tradition practice of quickly considering and confirming consensus judicial nominations.

At the end of President Bush's first 4 years in office, the Senate had confirmed 205 of his judicial nominees. We have a long way to go to reach that total before the end of next year. At this point in the Presidency of George W. Bush, 149 Federal circuit and district court judges had been confirmed: On September 19 of the third year of President Clinton's administration, 162 Federal circuit and district court judges had been confirmed. By comparison, although there are 29 judicial nominees stalled and awaiting final consideration by the Senate—many of them stalled since May and June—we have yet to confirm even 100 of President Obama's circuit and district court nominees.

I hope that we can come together to return to regular order in the consideration of nominations as we have on the Judiciary Committee. I have thanked the Judiciary Committee's ranking member, Senator GRASSLEY, many times for his cooperation with me to make sure that the committee continues to make progress in the consideration of nominations. Regrettably, it has not been matched on the floor, where the refusal by Republican leadership to come to regular time agreements to consider nominations has put our progress—our positive action—at risk.

The two judicial nominations we consider today are the kind of nominees we can and should consider more quickly.

The nomination of Timothy Cain to fill a judicial emergency in the District of South Carolina has the support of both his Republican home State Senators—Senators GRAHAM and DEMINT. Senator GRAHAM was a law partner with Judge Cain in the 1990s, and he has spoken to the committee with enthusiasm about Judge Cain's experience and qualifications. During his 25-year legal career, Judge Cain has served as a city and county attorney, as an assistant prosecutor and a public defender, and as a judge in family court for the past 11 years. He has been selected to sit by designation on the South Carolina Supreme Court on five occasions. Judge Cain has seen the practice of law from all sides, and he will be a strong addition to the Federal bench.

John Ross is nominated to fill a judicial emergency in the Eastern District of Missouri and has the bipartisan support of his home State Senators. Judge Ross has served as a State judge in Missouri for over a decade. Since 2009, he has been the presiding judge for Missouri's 21st Judicial Circuit. He previously spent 9 years as the St. Louis County counselor, and 12 years as a State prosecutor, where he rose through the ranks to become the chief trial attorney in the St. Louis County Prosecutor's Office. Judge Ross has served the people of Missouri for his entire professional career. I am glad that the Senate will vote on his nomination today.

Both of these nominees will fill judicial emergency vacancies. Both have the support of their home State Republican Senators. Both were reported by the Senate Judiciary Committee unanimously, without any objection from a single Republican or Democratic member of the committee. They are both by any measure consensus nominees. Yet, their nominations have been pending on the Senate's Executive Calendar for 117 days, since May 26, with no reason or justification given for the delay.

While I am pleased we will consider these two nominations today and confirm them, this has taken far too long. More troubling still, these nominations are only 2 of the 29 judicial nominations reported favorably by the committee and ready for final Senate action. Despite a serious judicial vacancies crisis on Federal courts around the country, where vacancies have remained at or above 90 for over 2 years, Senate Republicans refuse to consent to consider nominations more efficiently. I hope that this month Senators will finally join together to act to bring down the excessive number of vacancies that have persisted on Federal courts throughout the Nation for far too long. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary delays.

VERMONTERS HELPING VERMONTERS

Mr. President, I will continue because I am not taking time from anybody on this. The time has been reserved to talk some more, to talk about what has been happening in Vermont.

I have spoken many times about my native State and what we went through with Tropical Storm Irene.

I was born in Vermont. My family came to Vermont in the 1800s. Nothing in my lifetime has approached the devastation we see in our State. Vermonters have continued to struggle to regain a sense of normalcy. Bridges, railroads, and roads remain damaged or wiped out. Those many homes, businesses, and schools that were not entirely washed away are in need of profound repairs. Farmers are struggling to salvage what they can of their livelihoods.

It is late September. In Vermont, October can bring snow. But amid the din and destruction of the debris of this horrific natural disaster come hundreds of heartening stories of either things I have seen firsthand or I have heard about Vermonters rising to the occasion to help their neighbors and friends, even strangers, to mobilize to recover.

I saw a man shoveling out a store. I asked him if it was his store. He said: No. I said: Do you live here? He said: No; I live two towns over. I said: Do you know the store owner? He said: No. But, he said, I wasn't damaged. I wasn't hurt; he was. I would hope that if I was hurt, somebody would help me.

Vermonters are known for our sense of community. We are known for our plentiful determination. Our State's people have proven their fortitude tenfold in the aftermath of this disaster.

The Weston Playhouse, a renowned playhouse, where actors from around the country come in the summertime, had half their theater performance stage wiped out by the floods. The theater group stripped the entire playhouse, set up a temporary stage so they could perform their upcoming show.

The Town Meeting House in Pittsfield has been converted into a medical clinic. The Air National Guard dropped more than 14,000 Meals Ready to Eat in the town so that those stranded had enough food. In addition to those meals, many others have donated meat and other goods so there is plenty of food to go around. Schools have fundraised to help provide free hot breakfasts to students, and Vermonters around the State have opened their homes to those who have lost theirs during the storm.

Various fundraisers, including some college students who are classmates of my son, have a group called Phish. They did their first live concert in years and they raised over $1 million—just one thing after another. But then, there are also bake sales and car washes to raise money.

One way where the indomitable Vermont spirit has endured is through the remarkable efforts of Vermont students and schools. Schools have started. I know; I have grandchildren going to school there. The schools faced tremendous challenges to open their doors just days after Irene descended on us. Many had to delay opening for a few

days because the school buildings were serving as community centers for families who had lost their homes and children who had lost everything in the storm. But let me show a couple examples of students making the most.

Look at this New York Times picture. This is the Barstow Memorial School students in Chittenden. Chittenden is actually in Rutland County, down in the southwest part of our State. They used this trail to navigate on their way to school. They were going to go to school. They were cut off. There was no road to go to school, to get to the schoolbus. The parents of these children said: They are going to school.

Look at the mud on this child's legs. Look at the people. Look at them walking, carrying things. ''We are going to school.''

The washout on Route 4 took weeks to fix, so these students slogged along a muddy trail to meet vans and cars half a mile away, whether it was raining or dark or cold or anything else, and these cars carried the students to buses to take them the rest of the way to school. Community members helped chaperone the children on the trail. The whole community turned out. They stood there and they passed out snacks and refreshments.

When these students arrived at school, they were caked with mud. They didn't look like the children who normally come to school, but they were proud of their twice-a-day routine. They made it to school.

Moretown Elementary. This is one town over from where I live. I had a grandmother born there. They fared worse than many schools in the State. The buildings sustained damage and flooding overtook the school's septic system. The principal and teachers came together. They organized a series of field trips to get the kids out of the devastated town so they could continue in their studies. They visited Shelburne Farms and Montshire Museum, just to name two venues. Last week, with the school still closed, they met. They met. Look at that. The baseball field was covered by donated tents, as seen in this photo from the Web site of the Vermont Public Radio, where teachers held classes. The school's offices operated from popup trailers. Kids took well to their new school schedule, and teachers there are glad to provide the support they need.

The children of Vermont and their families and teachers are doing their utmost to make their way through these extremely difficult times. But these inventive measures are not permanent solutions. Vermonters are doing all they can and more to help each other recover, which makes it all the more dismaying that some in Congress seemed determined to play politics with disaster relief. Millions of American families and businesses, not just in Vermont but across the country have been devastated by an unprecedented series of floods, tornadoes, hurricanes, wildfires and other natural disasters this year, reaching into nearly every single State of our Union. This is no time to dawdle or to ignore the urgent needs of fellow Americans. We are one Nation, and until now we have willingly and generously come to the aid of our fellow Americans in times of need.

This is the time to help our fellow Americans who have suffered tremendous losses. Many of our states will take years to recover. I am pleased the Senate passed this essential bill last week, and I urge the House to send this emergency disaster relief bill to the President, without further delay.

We Americans are spending hundreds of billions of dollars to rebuild Iraq and Afghanistan. Let's spend this money amount to rebuild America for Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are on judicial nominees; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. I would like to, first of all, yield such time as he might consume, before I speak, to the Senator from South Carolina so he can speak about one of the judges that are up for nomination.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I wish to thank you and Senator LEAHY for bringing the nomination to the floor.

Very quickly, colleagues, this is a confirmation vote for Timothy Cain to be a Federal judge in South Carolina. Tim was my law partner, so I will just put my biases right out on the table.

He has been a family court judge since 2000 in the Tenth Judicial Circuit, dealing with the most complicated and emotional issues in the law, and we will not find one person who has practiced before Tim Cain as a lawyer who has anything other than high praise for the way he handles himself.

Tim has been a prosecutor, a public defender. He was assistant county attorney. He has a very distinguished record in the law. But, more important, he is one of the most decent people I have ever met. His wife Renee and son Martin are the most charming, decent people one could ever hope to meet. I thank President Obama for nominating him. I appreciate the support from Senator LEAHY and Senator GRASSLEY working this nomination through the process.

This will be a big win for the State of South Carolina and all who come before Judge Cain. He is a total package of intellect, character, integrity, common sense, judicial disposition and demeanor, and I could not be more proud. This is probably one of the most satisfying moments I have had as a Senator, to get up and recommend to my colleagues the approval of Tim Cain to be a Federal judge in the State of South Carolina. I just can't wait to see him take over in our courts and administer justice.

So I say to Senator GRASSLEY and Senator LEAHY, thank you both.

I yield the floor.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of John Andrew Ross to be U.S. district judge for the Eastern District of Missouri, and also Timothy M. Cain, to be district judge for the District of South Carolina.

Both seats have been deemed to be judicial emergencies. With these votes, we have confirmed 67 article 3 judicial nominees during this Congress. Of these, 23 have been for such judicial emergency type districts. I am pleased that we continue to have great progress in lessening the burden of our overworked courts, particularly concentrating upon judicial emergencies.

I am somewhat surprised in the delay in bringing these votes we are going to have today to the full Senate, at the majority leader's request.

Senate Republicans cleared these votes nearly 2 weeks ago, with the anticipation that the Senate would vote on these nominees last Monday, September 12. So I hope everyone understands these nominees could have been confirmed 8 days ago. It was not the Republicans then holding up these for the last 8 days.

As I noted, we continue to make great progress in proceeding to President Obama's judicial nominees. These votes today are somewhat of a milestone. They are the 99th and 100th confirmation of President Obama's judicial nominees. As of today the Senate has confirmed 63 percent of President Obama's judicial nominees since the beginning of his Presidency.

Earlier today the Senate Judiciary Committee held its 14th nomination hearing. We have now heard from 82 percent of President Obama's judicial nominees this Congress. At this point in the 108th Congress, only 79 percent of President Bush's judicial nominees had received a hearing. We have also reported 69 percent of President Obama's judicial nominees compared to 67 percent of President Bush's.

I am pleased with the progress and will continue to move forward with consensus nominees.

Now I would like to say a few words about these two nominees.

John Ross is nominated to be U.S. district judge for the Eastern District of Missouri. He presently serves as a circuit judge for the 21st Judicial District in Missouri. Appointed to that position by the Governor in January 2000, Judge Ross was retained by the voters in Missouri in the retention elections of 2002 and 2008. During his tenure, Judge Ross was elected assistant presiding judge by his judicial colleagues in that circuit and served in that office from 2005 to 2009. He was subsequently elected as presiding judge and has served in that capacity from 2009 until now.

Prior to his appointment to the State bench, Judge Ross served as county counselor for St. Louis County and in the St. Louis County's Prosecuting Attorney's Office. He is a graduate of Emory University and the Emory School of Law. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated Judge Ross ''well qualified.''

Timothy M. Cain is nominated to be U.S. district judge of South Carolina. Judge Cain presently serves as a South Carolina Family Court judge in the Tenth Judicial Circuit. The South Carolina General Assembly elected him to that position in 2000 and reelected him in 2004 and 2010. In 2005 the chief justice of South Carolina's Supreme Court appointed Judge Cain to serve as the chief administrative judge for the Family Court of the Tenth Judicial Circuit. By designation of the chief justice, Judge Cain also served as acting associate justice for the South Carolina Supreme Court on several occasions.

Prior to his judicial service, Judge Cain had a distinguished private practice in South Carolina. He maintained a general practice and assisted in representing several local governments and municipal clients. During his years of private practice he also served the public sector. Judge Cain served as a part-time assistant public defender with the Oconee Defender Corporation in that State.

From 1988 to 1990 he served as assistant solicitor general for the Solicitor's Office of the Tenth Judicial Circuit, where he represented South Carolina in prosecuting child abuse and neglect cases and various criminal cases.

In 1992 the county supervisor appointed Judge Cain as county attorney for that home county.

He is a graduate from the University of South Carolina and the University of South Carolina School of Law. The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Cain ''qualified.''

I congratulate both nominees and yield the floor.

The PRESIDING OFFICER. Under the previous order, Calendar No. 169 is confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Timothy M. Cain, of South Carolina, to be United States District Judge for the District of South Carolina?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 140 Ex.]

YEAS—99

Akaka	Gillibrand	Mikulski
Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hatch	Nelson (FL)
Bennet	Heller	Paul
Blumenthal	Hoeven	Portman
Blunt	Hutchison	Pryor
Boozman	Inhofe	Reed
Boxer	Inouye	Reid
Brown (MA)	Isakson	Risch
Brown (OH)	Johanns	Roberts
Burr	Johnson (WI)	Rockefeller
Cantwell	Johnson (SD)	Rubio
Cardin	Kerry	Sanders
Carper	Kirk	Schumer
Casey	Klobuchar	Sessions
Chambliss	Kohl	Shaheen
Coats	Kyl	Shelby
Coburn	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Vitter
DeMint	McCain	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Franken	Merkley	Wyden

NOT VOTING—1

Bingaman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that there be 2 minutes equally divided prior to the next vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

AMENDMENT NO. 626

Mr. MCCONNELL. Mr. President, my amendment on which we are about to vote would grant to the President something no President has had since trade promotion authority expired back in 2007. Without trade promotion authority, there will be no other trade agreements. We all know that. If America wants to be the leader of the world in trade, we have to have trade agreements.

What I have done here is offered trade promotion authority—what we used to call fast-track—as an amendment to trade adjustment assistance. They have been historically linked going back to 1974. I think it is a big mistake for our country, even if we provide trade adjustment assistance, to just operate as if there are not going to be any more trade agreements in the United States. We used to be the leader in world trade.

My party does not occupy the White House. I want the President of the United States, whoever that is, to have trade promotion authority because I would like to see us have an opportunity to have trade agreements in the future. All of our competitors have taken advantage of the fact that we have not had a trade agreement for years.

These three agreements were actually negotiated by the previous administration. So if we would like for this President or the next President—because this would extend TPA to the end of 2013, so it will grant this authority to the next President, whoever that is, in addition to this President—if my colleagues think we ought to have another trade agreement sometime in the future for the United States of America, I urge them to support my amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I agree with much of what the minority leader said. I very much believe we should negotiate free-trade agreements with other countries. I think we are behind the curve. Other countries are negotiating. We are being left behind. We should negotiate agreements that are good agreements.

The amendment offered by the Senator from Kentucky, however, is the 2002 version. A lot has changed in the last 10 years. There are environmental provisions, labor, and China is very much a competitor. I think it would be unwise to extend TPA because there are changes in the world today that this version does not reflect. It has to be updated to the current times.

Second, if this amendment would pass, then we wouldn't be getting free-trade agreements. The Speaker has made it very clear he wants a clean bill and then he will take up TAA—this bill—which many of us support by a large margin, and then he will take up the free-trade agreements. So if this body wants TAA and wants the FTAs, we have to vote against this amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 626, as modified, offered by the Senator from Kentucky, Mr. MCCONNELL.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—45

Alexander	Enzi	McCain
Ayotte	Grassley	McConnell
Barrasso	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Pryor
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lieberman	Vitter
DeMint	Lugar	Wicker

NAYS—55

Akaka	Graham	Nelson (FL)
Baucus	Hagan	Paul
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

The amendment (No. 626), as modified, was rejected.

The PRESIDING OFFICER (Mr. BENNET). On this vote, the yeas are 45, the nays are 55. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to address the Senate for about 6 or 7 minutes on a trade issue that normally I would be offering an amendment on. I am not going to offer an amendment during this debate because I think it is very important we move forward with this legislation so, hopefully, the President will stop moving the goalposts and send to the Senate Panama, Colombia, and South Korea.

But the reason I address the issue of the general system of preferences is because, quite frankly, I am sick and tired of a lot of nations—that may not be considered developed yet but advanced very rapidly in the last 20 years—taking advantage of our GSP system. I do not mind them taking advantage of our GSP system, but what irritates me is a lot of times in WTO negotiations, they are the very same countries that are finding fault with the United States and Europe not giving enough on agricultural issues, as an example, at the very same time these countries have very high tariffs on our products getting into their country, when they get, under GSP, their products into our country duty free.

So, Mr. President, I want you to know I appreciate the fact we are finally debating the merits of trade legislation.

Most people agree that one way we can help our economy is by opening and expanding markets for American-made products. I look forward to the President, as I just said, sending us the free-trade agreements. In the meantime, much of the discussion has centered on the bill before us, the GSP and the Trade Adjustment Assistance Program.

While it is important for us to have a discussion on the merits of TAA, I do not want my colleagues to overlook the significance of the underlying bill. This bill extends the general system of preferences. This program provides one-way—and I want to emphasize—duty-free access to U.S. markets. So over a period of several decades, we have been awfully good to a lot of countries that we think we ought to help and we have been helping.

The basic principle, then, behind the GSP is to provide certain goods made in developing countries with preferential market access to the United States in the form of this duty-free status. The intention is to help spur economic growth in developing nations.

I support the premise that we can help developing countries by promoting trade. But I can also tell you that our patience is getting very thin with some of those countries, particularly when we see them not reciprocating in a way that they have the capability of reciprocating. Our trade relations, however, should increasingly be based upon reciprocity by which other countries will provide the same open access to U.S. exports. In other words, as those countries become more developed, we need to require that they move toward operating on a level playing field with the United States.

Congress needs to take, then, a hard look at GSP and scrutinize whether it is helping accomplish the U.S. trade agenda. I think we would find some of these countries coming up short. In another environment of discussing trade, I would be taking a different approach: that we would send a clear signal to some of these countries of our impatience, and they are going to have to graduate off GSP. If other nations believe they will always enjoy GSP, then what incentives do they have to open their markets to U.S. goods? That is why we ought to very much advance the system of graduating off GSP with some of those countries.

There are nations that benefit from GSP that, quite frankly, have moved beyond what I consider to be developing countries. I continue to question why we provide preferential treatment at all to the products from countries such as Brazil and India. These countries have at times worked against the trade interests of the United States, including resistance to reducing high tariffs on U.S. exports. Both of these countries have countless products competing in the global market with U.S. products.

I am not offering an amendment, as I have already said, to this GSP bill, not because I do not think my position is good but because I want to see the pending trade agreements submitted and approved by the Congress. I am not interested in raising any barriers that make that task more difficult than the President has already made it.

However, I will continue to push for reform of GSP. I urge my colleagues to take a close look at this program and consider the points I have raised in the past and I am raising right now but not raising in the form of an amendment that ought to be offered at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER RELIEF

Ms. LANDRIEU. Mr. President, I know the short debate we had, just in the last couple of hours, and the votes are important, about the Senate and the House figuring out a way as to how to move forward on some of the trade agreements that are pending, and the appropriate ways to make sure American workers are not left behind, that they are actually helped and supported. And those issues are very important.

But I come to the floor today to talk again about another important issue that is pending before the Congress right now that is of extreme importance to millions and millions of Americans who are following this debate through the viewing of the procedures here on the Senate floor and in the House, and also following on Twitter and other Internet sites and opportunities on their local news and radio stations about what we are doing on disaster relief.

That is a good question because I think—and many of the Senators, Democrats and Republicans, as well, on the Senate side; particularly 10 of my colleagues from the other side who stood with us last week to say—it is time to fund the disasters in America today.

We are questioning why the House of Representatives is dragging its feet on this important issue or why the leadership, the Republican leadership in the House would be even hesitating to fund the ongoing needs of FEMA, the Corps of Engineers, the Department of Housing and Urban Development through community development block grant funding and agricultural disaster relief, which is so important.

In disasters, sometimes the pictures are focused on cities or suburbs, and it is heartwrenching.

It is heartrending.

I will show you some of those pictures now. This is Joplin, MO, earlier this year. A third of the city was literally destroyed by a group of tornadoes that came through. Some of the weather specialists said they had never clocked winds of this speed and power in the entire time they have been recording this data. They said they believe some of the winds exceeded 300 miles per hour. This is horrifying.

For those of us who shudder at category 4 and 5 hurricanes which can blow up to 150 miles an hour, the idea of 300-mile-an-hour winds is beyond our comprehension. But that is what happened in Joplin, MO.

Then, here we have the Outer Banks of North Carolina. It is heartbreaking to see the water come up on barrier islands. We have many barrier islands where people live safely. When the water rises, everybody doesn't just pick up and leave the island forever. They use their engineering and might to come up with better technology. They invest wisely. That is what we have to do to help these families.

These fires could be California, and it could also be Texas. Texas has had over 20,000 wildfires this year, I understand.

Here is a rural community. Sometimes we see pictures of these urban areas and these coastal areas that make for great television, but we don't always see farm communities underwater. This is what happened around our country. Why the Republican House leadership says that now is the time to try to find offsets for these disasters—had we insisted on that for the Katrina and Rita recoveries, the gulf coast would still be devastated. But year after year as a country, when our people have been harmed by natural disasters this National Government has come together and said: Yes, we as a nation, the United States of America—we are not a divided nation—is going to come to help our brothers and sisters who need help.

Why is this different? The House Republican leadership can't run fast enough to spend money and send money to Iraq and Afghanistan to rebuild those communities and those cities. Yet when our own people from these communities ask for help, they want to now throw up the smokescreen that we have to find an offset.

Let me give two good reasons: One, we are eventually going to have to pay for everything the Federal Government shells out. We are going to have to find the money to pay for it. But we don't have to find it this week. We don't have to find it next month. We can debate that as the process of legislation goes on. We can say yes to full funding for disasters now, not an inadequate amount of money, which is what the House wants to do.

Let me tell you how ridiculous the House position is. Not only do they want to partially fund FEMA and basically fund it for only 6 weeks, which is the extension of the continuing resolution, they want to basically say we will extend the Government of the United States to operate for 6 weeks at the current level of spending, and we will agree that FEMA can operate for another 6 weeks.

If they don't already know this, let me remind them that Governors, mayors, and county commissioners who are struggling to rebuild communities after disasters such as this need a little more than 6 weeks to do planning. They need a year or two sometimes to actually come out of shock, to have public meetings with people.

I have been through this and lived through this. You have to organize community meetings neighborhood by neighborhood. Sometimes in a community—let's say in Joplin—I don't know how many schools they had, but in our case out of 147 public schools in New Orleans we had 100 that were damaged beyond repair, uninhabitable. We could not decide in 4 weeks what we were going to do. We had to take a long time, and we needed to know that the Federal funding would be there. This government acted—not as quickly as I would have liked, but it acted under the prior administration.

Finally, we got the long-term funding commitments that our Governors and mayors needed—Democrats and Republicans alike—to lay down good and smart plans because they knew what they could count on. Why the House doesn't want to do that, I don't know.

Second, I have heard criticism of the Senate approach, which I am proud to lead. They say things in the press such as: Well, the Senate just picked a number out of the air.

Let me be very clear. We picked no number out of the air. The clerks of the Appropriations Committees, who are steeped and knowledgeable about what these agencies need now and what they may need in the years ahead, met and crunched the numbers. Senator REID looked at those numbers, took them down a bit to try to accommodate the anxiety on the other side of the aisle about spending too much money, and came up with a rational, reasonable number for FEMA, for agricultural relief, and for community development block grants. I think under the circumstances that is about the best we could do.

Do you know what the House of Representatives did, which makes no sense whatsoever? I hope some of the print press are listening to this so they might write this in the newspapers tomorrow. They took last year's number. These disasters are happening now. They took the number that was in the bill before the disasters happened and plugged that in, like they are doing something good for the country, and basically said: Take 6 weeks of it, and then we are out of here. We are going home for the week.

I don't take kindly to any kind of criticism that the Landrieu numbers or the Senate numbers might not be crunched or reviewed carefully enough. I have done the best review I can possibly do, and I have every confidence that the numbers I have presented to this Senate—about $6.9 billion—are as accurate an assessment I have at my fingertips to say what we are going to need in the next year.

At least I am dealing in reality. In what land do they live? This isn't about a year and a half ago; this is about now. Their number is wrong, their approach is wrong, their approach is totally insignificant and inadequate, and it is morally wrong.

I will not even ask the clerk to do a beautiful job trying to type everything we say—and sometimes it is hard to keep up—because we don't have everything written down, and I am not even going to ask them to print this in the RECORD because it is really too long. I want to read a little bit from this.

This is the whole list of projects that the Republican House leadership, with all their—I will say what it is; it is shenanigans. These are the projects they have stopped. We all know about big cities such as New Orleans and Chicago and New York. We hear about all these big cities such as Denver and Birmingham, AL, but we don't hear about cities like this so often. I will read some of them into the RECORD because these taxpayers deserve to have their cities read into the RECORD. That is where these projects are going on that the Republican leadership in the House says they don't really need the money now and they can wait. These have all been put on hold.

Here is a town I have never been to, Crooked Creek, AL. There is a public building there—a vehicle maintenance shop—that is on hold. Here are Florence, AL, and Lipscomb, AL, and Evergreen, AL. There are five pages for little towns in Arkansas that maybe don't make the front page of the New York Times or the Washington Post, but they are important communities. They are important to our country. Here is Herbert Springs. I have never heard of it, but I am sure it is a lovely place to live. They have several projects that have been held up.

I could go on and on through every State in our country—small towns and counties that have been devastated—roads, bridges, public buildings, and water-sewer control facilities.

Again, I think people at home are looking at and reviewing this debate and saying: Let me get this straight. Speaker BOEHNER and Majority Leader CANTOR rush to fund rebuilding in Iraq and Afghanistan and didn't require offsets when we went into war and this rebuilding effort. But now we have to debate for weeks and months over finding proper offsets to rebuild here?

I hope people will let their voices be heard in the next couple of days. It is very important.

We had a very important vote on the floor of the Senate last week. We don't often have bipartisan cooperation. I thanked by name the 10 Republican

Senators who helped on this effort because they said: Party politics is important, and sometimes party politics dictates the way that I should look and vote and feel, but not on this because this is disaster aid that is either going to my State—or, potentially, in Senator RUBIO's case, who knows what disasters are like in Florida. He said: It could happen, Senator LANDRIEU, and if it happens in Florida, I certainly want to come back and ask the Nation to help and not have to be engaged in a debate in finding an offset. I would rather work with my mayors and county commissioners to find a way to rebuild.

I have embellished a little bit of the conversation, but I know that is what was on his mind. He said: I can't think of what Florida would do.

Senator VITTER from Louisiana, who has been shoulder to shoulder with me in helping with our disaster recovery—we have pages. Jefferson Parish called me the other day—a Republican mayor of Jefferson Parish—and said he has $100 million in help for Jefferson Parish stopped up because of this unnecessary debate.

We have the two Senators from Maine, Ms. COLLINS and Ms. SNOWE, who most certainly felt the effects of Hurricane Irene up the east coast. We also had Senator TOOMEY from Pennsylvania whose State also received record amounts of flooding. We had Senator BLUNT from Missouri—the people of Missouri not only are desperate for FEMA money, they need agricultural help immediately, community development block grant funding, and they need Corps of Engineers funding. Is there Corps of Engineers funding in the House approach? Zero. Zero for the Corps of Engineers.

If you are representing a community that has had flooding because your levee failed or you don't have a levee and you need one or because your runoff or streams were not regulated appropriately, you most certainly don't need to call Craig Fugate. You need to call the Corps of Engineers. They are going to tell you they are out of money. We have grossly underfunded the Corps, in my view, in capital projects year after year. And, frankly, both Republican and Democratic Presidents have been guilty of underfunding the Corps of Engineers and their budgets because in the old days, when we could earmark, we would add back money to the Corps. But those days are over, A, because we are not earmarking and, B, because we are on tight constraints.

The Corps of Engineers has no emergency funding. If you are interested in protecting your communities and levees and flood control, and you vote against the Senate position, you are going to have a lot of explaining to do because even when you go home and pound your chest and say: I voted for the House number that was last year's number, there is no money there for the Corps of Engineers. So good luck explaining that to your constituents. I could not explain it to mine and remain a Senator from Louisiana.

This is an example of what some of my coastal levees look like.

The other thing we have to battle—but this is a battle for another day—is when the levees break up like this—and this is the coastal barrier—the Corps of Engineers is actually prohibited from building them better. We have had solutions for this. We are going to try to get that changed. But this is a constant battle and a big issue not just for the State of Louisiana but for the gulf coast, the eastern seaboard, and the west coast as well. So we will continue to work in that regard.

Mr. President, I ask unanimous consent to speak for an additional 5 minutes. I don't see anyone else on the floor wishing to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Let me show what some of the Republican leaders who are not in the House of Representatives are saying. And we should listen to them because this is from the Governor of New Jersey, Governor Christie, a leader in the Republican Party, a conservative leader of the Republican Party. No one would accuse him of not being a strong voice for conservative philosophy. He said: Now is not the time, ladies and gentlemen in Congress, to argue for weeks and weeks or months and months about finding offsets for these disasters. Let's fund them. Let's fund them robustly. These are job-creation opportunities for our communities. It is about smart planning and being a reliable partner with the State of New Jersey and my counties. He said: Let's get about the business.

In fact, he specifically said:

> You want to figure out budget cuts, that's fine. You expect the citizens of my State to wait? They're not going to wait, and I'm going to fight to make sure that they do not. Our people are suffering now and they need support now. We need support now here in New Jersey, and that is not a Republican or a Democratic issue.

I just got off the phone with Governor Christie within the hour, and this is still his position. He said he is not backing down, and he is going to continue to give voice to this issue. I wish the Republican leaders in the House would listen to him.

We have had Republican leaders in the Senate—I named about six of them—and I want to compliment the others later on when I get back to that point.

This is what Gov. Bob McDonnell of Virginia said:

> My concern is that we help people in need. For the FEMA money that's going to flow, it's up to them on how they get it. I don't think it's the time to get into that deficit debate.

I want people to think about this. Let's say we have another hurricane season like we had—I believe it was right before Hurricane Katrina. I believe it was in 2004 that we had four hurricanes hit the State of Florida—four in 1 year. It was devastating to the State of Florida.

Does anyone think it would be the right thing to do to get the Governor of the State of Florida, the Senators of the State of Florida, the entire congressional delegation of the State of Florida and every accountant working for every county to come up to Washington and go through the Federal budget to find where they can cut, right there, that week, while the winds have just died down? Would we have to get the Florida accountants to come up here to find an offset so we could send the help to Florida?

That argument is ludicrous on its face. I wouldn't want Senator RUBIO worrying about that. I wouldn't want Senator NELSON worrying about that. I would want them comforting their people. That is what I would want to see them do because I had to do an awful lot of that. And I am sure they would do it naturally. I would want them going shelter to shelter and telling people it is going to be OK. I would want them visiting with businesspeople, pleading with them not to pick up stakes now but to invest in Florida because it can be a good place to come back to. I would want them saving their universities and working on that as well. The last thing they would need to be doing—and their staff—would be taking out a pencil and putting on their green eyeshades and going through the Federal budget to see where we could eliminate this from Colorado, with no time for hearings or oversight because we have to act now. Let's just cut out all these programs.

That is hogwash. It is ludicrous on its face. It is not the way a government should be run. It is not about conservatives or liberals; it is truly just stupidity. It makes me so angry that anyone would suggest this.

So, again, let's send the help now. We can find a way to pay for this. We are finding a way to pay for Katrina now. We do it through the ordinary budget process. We are finding a way to reduce the deficit substantially. That is what the committee of 12 is about. That is what all our debates are about. That is what the appropriations process is about. But not now.

Tom Ridge. If you don't think the Governor of Virginia is an expert on this or the Governor of New Jersey—though I think they are pretty strong public figures—how about the first Secretary of the department that oversees disaster response, Tom Ridge himself? Here is what Tom Ridge said last week when this debate started:

> Never in the history of the country have we worried about budget around emergency appropriations for natural disasters. And frankly, in my view, we shouldn't be worried about it now. We're all in this as a country. And when Mother Nature devastates a community, we may need emergency appropriations and we ought to just deal with it and then deal with the fiscal issues later on.

Thank you. That is exactly what we should be doing.

So, Mr. President, I have tried, as the leader of this committee, not to make

this a Democratic or Republican issue. I have asked and succeeded in getting 10 of my Republican colleagues to join the effort. So this isn't trying to make one party look good or one party look bad. All we want to do is help disaster victims and help the Governors and the mayors and the county commissioners who, right now, believe me, are just pulling their hair out. They have very limited tools. They are not sure what they can do.

People are angry, they are devastated, and they are shocked. Families are having to bunch in and live together. Some people are still in shelters. I have been through this nightmare. I know what they are going through. And then they have to hear from Washington that the ERIC CANTOR crowd decided now is the time for us—even though for 50 years we have been doing emergency funding—to figure out where to get offsets before we can send them help. This is no way to run a railroad, and it is no way to fund disaster assistance.

As I said earlier, this color is too pleasant—this green on this map—to really reflect what this map shows. These are all the States in the Nation that are experiencing disasters this year. For the first time in a very long time—maybe in our history—we have had Presidential disasters declared in all but two States. They are different kinds of disasters—some fire, some floods, some earthquakes—but nonetheless devastating to the communities trying to rebuild. So this isn't a Texas or Louisiana or just a west coast issue, this is an entire nation that is waiting for Congress to act and to send not just FEMA money but FEMA, the Corps of Engineers, Agriculture, and community development block grant funding. For the life of me, I cannot understand why we are having this debate at all.

Just to recap, here is the list. And I will not ask that it be submitted for the record because it is too long and comprehensive. It is very fine print of project after project that has now been stopped—stopped—because FEMA is operating on fumes. They are virtually out of money.

Now, yes, the new fiscal year for the Federal Government starts next week, but, remember, the House of Representatives only offered 6 weeks of help based on last year's reality. They are not even taking into account what actually happened. They are just saying: Well, we budgeted $2.65 billion last year; that must be good enough for this next year—not taking into account any of the realities of what I have just talked about. And by the way, you can have basically a 6-week rate—no money for the Corps of Engineers, no money for Agriculture.

Please, if you hear one thing—any of the Members of the House who are considering voting for this—please don't try to go home and explain this to your constituents because hopefully they will be smart enough by listening to this debate and understanding that you really didn't vote to help them. You voted for some philosophy that is hard for even some in your party to understand, but you did not vote to help your constituents.

One final point. People on the other side will say: Well, I voted for this $2.65 billion, and I know it is not a real number, but it is sort of enough to get everybody through, and then we will pass the regular appropriations. Mr. President, I have heard that as well. And then when the regular appropriations bills come, this money can be tucked into these bills and help will be on the way, they will say.

Well, I want to say again that 1994 was the last time this Congress passed all 13 appropriations bills on time and got them to the President's desk. So that is wishful thinking. That is not going to happen this year, no matter how hard we try, because it hasn't happened since 1994.

So don't think you can fool your people and say: Well, I voted for this, but we are going to help you through the appropriations process. I am on the Appropriations Committee. We have had a very difficult time because of all sorts of reasons in getting our process back on track. We are supposed to be finished with all of our bills in November. It is already the end of September, and we still don't have all our bills out of committee. And even if the House has their bills out of committee, getting those numbers reconciled between the House and the Senate sometimes takes months. Sometimes, Mr. President, as you know, we never get to it and we just do a continuing resolution. So there is not enough appropriations in the regular bills.

So for all the reasons I spoke of—and I will end where I started—let's fund disasters now. Let's fund the help to our people now. We are going to be here until Friday—potentially our leadership will keep us in until we get this resolved. But the Senate has made a great bipartisan effort, with Senators such as Senator BLUNT and Senator TOOMEY and Senator VITTER and the Senators from Maine and other Senators from the other side who have joined this effort.

I am asking the House: Please reconsider your position. Please fund disasters now. We will figure out the way to pay for this over time. We have already made provision for this in the negotiations that were done a month ago between the Republican and House leaders. Our people are depending on us to act.

Mr. President, again I urge my colleagues in the House, please reconsider your position. Join the bipartisan work underway in the Senate to get this job done for the people we represent and the people of our country who are truly desperate for us to act right now.

Mr. President, I yield the floor.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 139, a vote on the motion to invoke cloture on the motion to proceed to consider H.R. 2832, a bill to extend the Generalized System of Preferences, and for other purposes. Had I been present, I would have voted yea to the motion to invoke cloture.

RECOGNIZING SOUTHEAST KENTUCKY COMMUNITY AND TECHNICAL COLLEGE

Mr. MCCONNELL. Mr. President, I rise today to recognize one of Kentucky's most successful educational institutions, Southeast Kentucky Community and Technical College, SKCTC. Beginning last year, SKCTC celebrated its 50th anniversary of providing higher education in southeastern Kentucky across five full-service campuses. To commemorate the event, SKCTC's Pineville campus held an open house for over 500 high school students from the area. To highlight the school's success over the years, President Dr. W. Bruce Ayers gave a presentation of SKCTC's history to all who attended.

SKCTC's Pineville campus was originally launched in the early 1960s as a nursing school. Over the years, the school expanded its buildings and curriculum and has become the main location for many of SKCTC's medical programs.

The campus is home to about 50 percent of the school's allied health students, who are enrolled in programs such as respiratory therapy, radiologic technology, surgical technology, clinical lab technology, or one of several nursing programs to become a licensed practical nurse or a registered nurse. As a whole, SKCTC holds a remarkably high pass rate on licensing exams for graduated students—some of the medical programs maintain a pass rate of 100 percent. As a result, the majority of SKCTC students leave the school with a medical license of some kind.

The people of southeastern Kentucky are privileged to have such a reputable institution that continues to provide future generations of Kentuckians with a quality education year after year. To help celebrate this landmark occasion, Mr. President, I ask unanimous consent that an article describing the anniversary celebration at SKCTC—Pineville be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Middlesboro Daily News, Mar. 22, 2011]

SKCTC ANNIVERSARY CELEBRATED AT PINEVILLE CAMPUS

(By Lorie Settles)

PINEVILLE.—The fiftieth anniversary of Southeast Kentucky Community and Technical College (SKCTC) was commemorated at the Pineville campus on Friday with an open house for area high-school students.

Members of the faculty and staff of SKCTC Pineville welcomed nearly 500 teens on Thursday and Friday, reported Kim Ayers, the college's recruiter. The guests hailed from high schools including Jellico, Harlan Independent, Cumberland Gap, and Knox Central.

Students enjoyed guided tours of the campus on Thursday and Friday, and were presented with facts and demonstrations about the programs available at the Pineville Campus.

''We are delighted to be able to celebrate the fiftieth anniversary on the Pineville Campus and we are equally delighted to have so many folks visit us,'' said Dr. W. Bruce Ayers, President of SKCTC. ''This campus has meant so much to the area and so much to the college for a number of years.''

The southeast division of the University of Kentucky was launched in 1960, and has been an important facet of the Bell County community since the birth of the Pineville and Middlesboro branches of the college.

At the open house, Dr. Ayers shared some of the history of the institution. The Pineville campus, he explained, joined the SKCTC family in 1998, but had been in the area for some time.

''This particular campus actually began as an LPN nursing school down in Pineville, and moved here after they were flooded out in the 1970s. They moved up here, got a new building and expanded the curriculum. They've been doing a splendid job here in allied health since that time,'' said Dr. Ayers.

Although the building situated on Log Mountain is relatively small compared with many other campuses, it is able to house a number of programs in the medical field. Each year, students begin programs in Respiratory Therapy, Radiologic Technology, Surgical Technology, Clinical Lab Technology, or enroll in a nursing program to become a Licensed Practical Nurse or Registered Nurse.

The Pineville campus is a vital part of the SKCTC family, serving as a main location for many medical programs.

''We train probably about 50 percent of our allied health students for the entire college here,'' remarked Dr. Ayers of SKCTC Pineville.

The majority of those students leave the school with a medical license. Ayers reported that the campus boasts ''remarkably high pass rates'' on licensing exams, and that several programs maintain a pass rate of 100 percent.

Those numbers serve as proof, he says, that students in the area are as bright and capable of success as students anywhere in the country.

SKCTC's anniversary was celebrated in Middlesboro in December.

REPEAL OF DON'T ASK, DON'T TELL

Ms. COLLINS. Mr. President, I rise today to recognize the repeal of the Don't Ask, Don't Tell law. Today marks the end of the 60-day waiting period following notification to Congress that the necessary certifications were made by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff regarding this change in policy. I am pleased that this discriminatory law was relegated to the past early this morning at midnight.

I am proud to have played a role in this repeal, and I thank my colleague Senator LIEBERMAN who, when prospects seemed most dire, worked with me to develop a strategy to pass a stand-alone version of the bill that ultimately resulted in repeal of DADT.

It was almost 4 years ago when I first asked ADM Michael Mullen, then Chairman of the Joint Chiefs of Staff, about the Don't Ask, Don't Tell policy. That was the first, but not the last, time that Admiral Mullen courageously testified in front of the Senate Armed Services Committee about the need to debate and evaluate the DADT policy.

It seemed to me then—as it does now—that our Nation should not refuse the service of patriots who willingly answer the call to arms, simply on the basis of their sexual orientation. If individuals are willing to put on the uniform of our country, to be deployed in war zones like Iraq and Afghanistan, to risk their lives for the benefit of their fellow citizens, then we should be expressing our gratitude to them, not trying to exclude them from serving or expelling them from the military.

Since 1993, more than 13,000 men and women have been dismissed from service and countless more have been barred from serving. Society has changed a great deal in the last 18 years since President Clinton signed the ''Don't Ask, Don't Tell'' law, and I am proud Congress took the lead to repeal the law.

I thank the LGBT community for their outreach and support of this effort. I especially was honored by the number of servicemembers both active duty and retired who have thanked me for this effort, or who have shared their personal story of how the law was affecting their lives. I recently received one of those stories on a postcard with a stamp from overseas that was signed ''An Army Soldier.'' I would like to have his message printed in the RECORD because his words represent the sentiment of so many other brave men and women of our fighting forces.

His postcard says this:

Dear Senator Collins, I will still be deployed in Afghanistan on 20 September when [Don't Ask, Don't Tell] is finally repealed. It will take a huge burden off my shoulders—a combat zone is stressful enough on its own . . . I will repay your courage with continued professionalism.

With a spirit of service such as this, is there any doubt we should be welcoming this warrior into our military? I want to thank this anonymous soldier for taking the time to share this important message with me and with my colleagues. Because of soldiers like him, our country remains strong and our military united in a common cause with the freedom of individual expression guaranteed by the liberties they fight to preserve.

TRIBUTE TO ADMIRAL MIKE MULLEN

Mr. GRAHAM. Mr. President, today I wish to pay tribute to Mike Mullen who is retiring as the 17th Chairman of the Joint Chiefs of Staff after more than 43 years of distinguished service to our country.

Admiral Mullen began his rise in the Navy as a midshipman at the U.S. Naval Academy, where he became a proud graduate in 1968. Upon graduation, then Ensign Mullen reported aboard the USS Collett, deploying to the Western Pacific and participating in combat operations off the coast of Vietnam. Eventually, his career at sea would include serving aboard six other warships, including command of three, as well as command of the George Washington Carrier Strike Group and U.S. Second Fleet.

He supplemented his systems engineering degree from Annapolis with a master of science degree in operations research from the Naval Postgraduate School in Monterey, CA, and a business degree from the advanced management program at Harvard.

Ashore, he similarly distinguished himself with tours at the U.S. Naval Academy, the Bureau of Naval Personnel, the staff of the Chief of Naval Operations as well as in the Office of the Secretary of Defense.

With an already exemplary career of service at sea and ashore, Admiral Mullen became the Navy's 32nd Vice Chief of Naval Operations in 2003. During the first half of 2005, he served as Commander of NATO's Joint Force Command Naples and Commander, U.S. Naval Forces Europe, leading the Alliance's peacekeeping operations in the Balkans and its critical training mission in Iraq.

In July of 2005, he became the top uniformed leader in the Navy as the 28th Chief of Naval Operations. With the Nation fighting two wars, he oversaw the service's efforts to man, train, and equip our Navy to fulfill its traditional missions at sea. Facing innovative and nontraditional enemies, Admiral Mullen conceived and championed the Navy's vital contribution to the fight on the ground in Iraq and Afghanistan.

Dedicated to keeping the sea lanes free, deterring aggression, and maintaining our Nation's maritime superiority, he also led efforts to stabilize the Navy's shipbuilding program to support a 313-ship fleet.

On October 1, 2007, Admiral Mullen assumed duties as the 17th Chairman of the Joint Chiefs of Staff. Facing a myriad of challenges, and with ongoing conflicts in both Iraq and Afghanistan, he worked tirelessly with our Nation's leadership to oversee multiple, sustained joint military operations. Admiral Mullen's efforts played a vital role in disrupting terrorist networks, providing humanitarian assistance at home and abroad, and improving the security and stability in Iraq.

Recognizing the danger of an Allied failure in Afghanistan, he became an early and vocal proponent of resourcing the war by expanding counterinsurgency capabilities and fostering closer ties with strategically vital Pakistan.

Never forgetting that those who return from war often continue to bear scars—both seen and unseen—Admiral Mullen and his wife Deborah passionately represented the interests of the

men and women returning from the battlefield. He initiated an unprecedented nationwide dialogue to advance awareness and support for the many issues facing our warriors, veterans, and their families.

Many have recognized Admiral Mullen's dedication to service with a wide range of awards and decorations. But I know first hand that his truest reward is the satisfaction he must feel for a lifetime of service to a country he so deeply loves. Admiral Mullen's commitment to the Americans who have given so much will endure well beyond his days in uniform.

I will add that Admiral Mullen's legacy will continue in another way after retirement. He and Deborah continue to proudly support their sons, John and Michael, as they pursue their own uniformed service in support of the world's greatest Navy.

The U.S. Navy and our military will never forget the service of Mike Mullen, one of its most respected and valued leaders, who took the helm during a dynamic and uncertain time in our Nation's history. And none of us will ever forget how he led—with humility, a selfless devotion to others, and integrity.

Please join me in recognizing and commending ADM Mike Mullen for a lifetime of service to his country and to wish him the best in his retirement. May God bless Mike and Deborah, and their family, for all they have given and continue to give our country. We remain in their debt.

TRIBUTE TO BILL ENGEMAN

Mr. PORTMAN. Mr. President, I rise today to recognize Cincinnati resident Bill Engeman, who has made countless contributions to the sport of rowing over the past 30 years. Bill will be leaving Cincinnati later this year for Lancaster, OH, and I would like to thank Bill for his years of selfless efforts to encourage the sport of rowing.

Since the early 1980s, Bill has been a leader in advancing rowing in southwest Ohio. In the fall of 1981, Bill helped found the University of Cincinnati Rowing Team. Bill also has helped develop many rowing programs and build many boathouses at East Fork State Park and along the Ohio River. He also worked to bring the Men's and Women's National Collegiate championship to the region multiple times in the 1980s and 1990s. Bill was inducted into the National Rowing Hall of Fame in 1998.

In 2008, I had the opportunity to work with Bill to construct the Matt Maupin Memorial Pavilion at East Fork State Park, named in honor of a local high school rower and brave soldier who was killed in the line of duty in Iraq. Over the last 3 years Bill has worked to help rebuild the national rowing program in Iraq and assist in its journey to qualify young athletes for the London Olympics in 2012. This latest project is having a global impact and illustrates his commitment to rowing and the youth of the world.

Bill Engeman has given tremendously to the Cincinnati area and the sport of rowing over the years, and thousands of area residents have benefited from his legacy. Bill will be honored for his efforts on Tuesday, September 27, 2011. I would like to join with his many friends in congratulating Bill and thanking him for all he has done. While he may be moving to another city, he will always be considered the father of rowing in Cincinnati.

REMEMBERING HENRY SMITH, JR.

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in honoring the life of Mr. Henry Smith, Jr. The people of Louisiana lost a giant of a man when Henry A. ''Buster'' Smith, Jr. passed away on Friday, September 9, 2011, at age 82 after a lengthy illness.

Born in St. Charles Parish and raised in an area outside of New Orleans known as the River Parishes, Mr. Henry, as we affectionately knew him, was a confident and self-made man who had an optimistic outlook on life that would lift you when you were in his presence. He, and others like him, helped build this Nation.

Mr. Henry was a product of the River Parishes whose people draw their strength and sustenance from the Mississippi River, and whose ingenuity and hard work built the incredible industrial complex along the river that fuels so much of our Nation's energy and commerce. He was the guiding force in the development of what became the Magnolia Companies, a multicompany conglomerate in the fields of construction, housing, material sales, real estate, finance, disaster recovery and consulting. He traveled the world in order to help people recover from disasters on six continents, but always returned home to Louisiana and his beloved River Parishes. Mr. Henry assisted with securing the futures for hundreds of families by creating opportunities for meaningful and rewarding work for them to pursue.

Mr. Henry was a champion for his community and the surrounding region. He supported numerous charities, churches and schools in and around the New Orleans area, including the Ursuline Academy, Sacred Heart Catholic Church, First Baptist Church of Norco, and the Mahalia Jackson Early Childhood Development Center. He was a leader who was sincere and steadfast in his drive to help others. He truly believed in the spirit and generosity of mankind and thought that everyone deserved a chance.

He was very passionate about politics and immersed himself in supporting candidates for local, State, and Federal office. I was fortunate enough to have Mr. Henry's support and counsel through my years in politics. Even though Mr. Henry was opinionated, he always said that no matter what, there were two sides to every story. He was a Democrat but was always more interested in the merits of a debate rather than partisanship. He believed most of all in moving his community, State, and Nation in a positive direction. We could certainly use more people like Mr. Henry.

Above all else, Mr. Henry was devoted to his family his sons, Glen and his wife Marilyn and Gary and his wife Pam, along with his grandchildren, Representative Gary Smith, Jr. and his wife Katherine, Rebecca Smith Tassin and her husband Justin, and Madison Elizabeth Smith-just as they were to him and each other. The Smith family is one of the most loving families I have ever known. Mr. Henry worked joyfully with his two sons Glen and Gary every day for more than 40 years. Never have I seen two sons more devoted to their father.

Today I ask my colleagues to join me along with Mr. Henry's family in honoring and celebrating the life of this most extraordinary son of Louisiana.

ADDITIONAL STATEMENTS

TRIBUTE TO DAN FLOWERS

● Mr. BOOZMAN. Mr. President, today I wish to recognize the life and career of Dan Flowers, who is retiring as director of the Arkansas Highway and Transportation Department after a lifetime of service and dedication to the State.

Dan Flowers began his career with the Arkansas Highway and Transportation Department more than 40 years ago after spending his summers in college as an employee in the departments Resident Engineer Office in his hometown of Batesville. He held this position for 4 years until he graduated in 1969 from the University of Arkansas at Fayetteville with a bachelor of science degree in civil engineering. Enjoying his time with the department, Dan went on to complete the engineering orientation program and was assigned as a planning engineer in the Planning & Research Division. He has worked in a total of eight other engineering and management positions within the Department before being promoted to director in 1994.

Dan Flowers has had many achievements during his career as the director, and in announcing his retirement to his staff he was quick to point out the collaborative effort ''we plan, we build, we maintain, and we manage—but the key word in all of that is WE.''

Perhaps one of Dan's greatest accomplishments was the 1999 interstate repair program and one that he says was the most interesting. The 5-year, $1 billion repair program overhauled the Arkansas interstate system which included 54 projects and more than 350 miles of interstate. Dan has truly helped make Arkansas roads safer and his work has touched countless lives.

Not only was he active in transportation on a regional level but also

highly active on a national level. As a new member on the House Transportation and Infrastructure Committee I quickly learned how well respected Dan was not only in Arkansas but across the country as witnesses would tell me of their appreciation for his work. He has served on numerous organizations from president of the Southeastern Association of State Highway & Transportation Officials and the American Association of State Highway and Transportation to chairman of the American Associations Special Committee on International Activities Coordination, and prior to being president Dan served as chairman of the Associations Subcommittee on Design, Standing Committee on Highways, and as the associations vice-president.

Dan has also earned many accolades for his work. In 2001, the Arkansas Chapter of the Associated General Contractors presented Flowers with its most prestigious award, the Skill, Integrity, and Responsibility Award, SIR, for his outstanding contributions to the industry, and in 2004 the University of Arkansas Department of Civil Engineering dedicated the Dan Flowers Education and Training Facility.

Dan has displayed dedication, perseverance, and commitment to excellence. I appreciate his friendship and am grateful for his years of service and efforts devoted to the State of Arkansas.●

REMEMBERING JACKIE LEE HOUSTON

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in reflecting on the life, accomplishments, and service of the late Jackie Lee Houston—a prominent businesswoman and philanthropist in the Coachella Valley. She passed away on September 14, 2011.

Jackie Lee Houston was born and raised in Seattle, WA. She began modeling as a pre-teen and continued to do so through graduation from the University of Washington, from which she earned a degree in economics and fashion design in 1956. Her modeling led to a television career as Seattle's first female weathercaster, as well as hostess of the ''Hoffmann Easy Vision Talent Show.'' For a brief period, she pursued a professional career in Los Angeles as a model for Oscar-winning fashion designer Edith Head; but eventually she returned to Seattle to marry her college sweetheart, James Houston.

In 2005, Jackie and James purchased CBS affiliate KPSP located in Thousand Palms—at the time, Jackie was one of only two women in the United States who owned a television station. Through public service announcements and profiles, they utilized their community-focused station to promote causes across the Coachella Valley—from helping the homeless to supporting food banks to AIDS research.

A passionate philanthropist, Mrs. Houston quietly helped struggling individuals and her efforts benefitted a wide array of organizations, projects, and endeavors—including Angel View Crippled Children's Foundation, Palm Springs Stroke Recovery Center, Desert AIDS Project, Palm Springs International Film Festival, Palm Springs Art Museum, McCallum Theatre, Fashion Week El Paseo, and December Festival of Lights parade. She also gave unstintingly of her creativity and time—using her Rolodex and her home to groom a new generation of philanthropists and to organize distinctive red-carpet events that raised millions for charity.

In recognition of Mrs. Houston's profound influence on the Coachella Valley and the inspirational legacy she leaves for the community, the city of Palm Springs will name the new main entry plaza of the Palm Springs Convention Center in her honor.

On a more personal note, it was an honor for me to have known Jackie. She and her husband founded an extraordinary food bank called FIND, which is run by Jackie's daughter-in-law, Lisa Houston. I was honored to visit FIND with Jackie and Jim at FIND's original Cathedral City location in 2009 and again in 2010 at its new home in Indio. I saw her great pride in this particular project which helps so many survive, particularly in this tough economy.

I extend my heartfelt condolences to the family and friends of Mrs. Houston. She will be sorely missed by so many, including me.●

TRIBUTE TO MARGARET NACHTIGALL

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize and honor the service of Mrs. Margaret Edna Nachtigall upon her retirement as executive director of the South Dakota Stockgrowers Association.

Margaret was born on May 18, 1937, to parents Leslie and Edna Coates, in Edgemont, SD. She grew up and spent her childhood on the family ranch near Burdock, SD, which instilled in her a strong work ethic and a love of animals, especially horses and cattle. This love for animals blossomed into volunteer work with community agricultural education and outreach through the 4–H program. She could often be found showing her calves and lambs at the Fall River County Fair in Edgemont and the Western Junior Livestock Show in Rapid City. Her love for horses eventually led her to compete in barrel racing and break-away roping. In 1955, she even ended up fifth in break-away roping at the National High School Finals.

Margaret's insatiable drive for learning, combined with her love of animals, eventually led her into the world of cattle breeding and the role that nutrition plays in reproduction. By the time she began her work for the American Breeder Service her business had grown to the point that she was booked solid during breeding season. That work ethic and passion extends into everything Margaret does.

Margaret's service to the South Dakota Stockgrowers Association spans many years and has had a significant impact on the association and its members. I have always valued Margaret's insight and input on a number of issues impacting agriculture. She has offered a very important voice on behalf of South Dakota Stockgrowers and agriculture producers over the years and her knowledge, expertise and advice have helped guide me and my staff when it comes to general agriculture, farm and ranch, and trade policy. Her work helped us to finally get a country-of-origin labeling law in place in the 2008 farm bill and she helped to lay the groundwork for the livestock competition rule currently pending with USDA's Grain Inspection, Packers, and Stockyards Administration, GIPSA.

In addition to the valuable input and guidance she has given me over the years, she also served as an effective and well-liked leader of the Stockgrowers Association. As just one testament to Margaret's leadership, Larry Nelson, past president of the organization, has this to say about her: ''Margaret has been an asset to the South Dakota Stockgrowers Association as our Executive Director. Her strong work ethic and her commitment to the independent, family-owned ranches of South Dakota have shown through her work. I am grateful for her dedication to advancing the policies of the South Dakota Stockgrowers Association and her work to promote our livestock industry.''

Margaret's life work on issues that concern cattle producers and their operations has been done because of an intense love for the ranching industry. It is because of the work of people like Margaret that the cattle and ranching industry continues to thrive and maintain its crucial role throughout South Dakota. I am proud to recognize and honor Margaret's retirement from the South Dakota Stockgrowers Association, and am delighted to join with her family and friends in congratulating her on this occasion.●

REMEMBERING VICTOR BUSSIE

● Ms. LANDRIEU. Mr. President, I come before you today to celebrate the life and contributions of one of Louisiana's favorite sons. This week the citizens of Louisiana are remembering the monumental life of Mr. Victor Bussie. Mr. Bussie passed away Sunday, September 4, 2011, at the age of 92. He was laid to rest in Baton Rouge, LA last Friday. Mr. Bussie was buried not far from our State Capitol, where he fought tirelessly for more 50 years to strengthen and uphold the rights of working men and women in Louisiana and across the Nation.

A hero to thousands, the scourge of some, and ally for many; Mr. Bussie spent a lifetime fighting side-by-side with like-minded men and women. He

was motivated by a sense of justice and a desire to secure worker protections and the fundamental civil rights that many of us take for granted. During his 41 years at the helm of the Louisiana AFL–CIO Mr. Bussie saw the evolution of not just workers rights but our country's constant struggle for fundamental civil rights. From 1956–1997 Mr. Bussie worked to secure civil rights, equal rights for minorities and women, a fair minimum wage, adequate workplace safety, defined pension plans, and numerous other fair labor laws for the people of Louisiana.

Mr. Bussie kept his sharp and analytical mind to the very end. He passed with his beloved wife Fran at his side.

When I began my political career as a State legislator almost 33 years ago, Mr. Bussie was a fixture at the Louisiana Legislature. He spent tireless hours effectively advocating on behalf of the hundreds of thousands of men and women he represented. I remember him as fearless and resolute in his belief in civil rights and fair treatment for all. He refused to back down even after his house was bombed by a member of the Ku Klux Klan in 1967. In 2010, I attended a dinner honoring the lifetime achievements of Mr. Bussie and was in awe of his accomplishments. Mr. Bussie was a strong willed and tenacious advocate for what he believed in but he consistently treated everyone with dignity and respect.

Mr. Bussie was born in Natchitoches Parish, home of the oldest permanent settlement in the Louisiana Purchase. His family later moved to Boyce in the central part of Louisiana near Alexandria. He served in the Navy during WWII and later worked as a hose man with the Shreveport Fire Department. Many times over the years he described to me how much he had loved being a firefighter and how much he loved the camaraderie among the men in his unit.

It was because of his sense of fairness, sharp intellect and demeanor that he was approached by his fellow firefighters to represent their interests. In 1956, he was elected president of the Louisiana AFL–CIO. He remained president until his retirement in 1997. Throughout his career Mr. Bussie acted with dignity and garnered the respect of even from those who opposed his position.

Mr. Bussie was a giant in the State of Louisiana and an example of how passionate advocacy could and should be expressed with dignity and grace. Like countless other Louisianians, I am a better person for having known him. On behalf of the U.S. Senate, I wish to offer my condolences to his wife Fran, the entire Bussie family, and all the members of the Louisiana AFL–CIO. Louisiana lost a true hero.●

TRIBUTE TO SUE COPINGA

● Mr. LEE. Mr. President, it is my pleasure today to offer my sincerest congratulations to an inspirational constituent of mine, Sue Copinga. Sue is the recipient of the 2011 LifePoint Hospitals companywide Mercy Award. LifePoint's Mercy Award recognizes individuals who follow in the footsteps of the company's founding chairman and CEO Scott Mercy, who passed away in 2000. Sue works at Castleview Hospital in Price, UT and is a patient advocate in the emergency room, while working part time as an emergency medical technician. Castleview Hospital serves residents of Carbon and Emery Counties. Like so many rural hospitals around the country, Castleview is the only hospital for miles around, making it a vital resource where citizens of Carbon and Emery Counties can get the medical care they need.

While Sue has a deep history of giving back to others through her job and in her personal life, she demonstrated her extraordinary dedication to caring for others during one of the worst mine disasters in Utah's history. On August 6, 2007, the Crandall Canyon Mine collapsed in the middle of the night, trapping six miners underground. Sue did not hesitate. Immediately after learning of the tragedy, Sue headed straight to the scene to provide whatever assistance was necessary. She spent the following days and nights at the site standing ready, eager and willing to treat the men we all hoped and prayed would be rescued. Then, on August 16, a second collapse brought the walls down around rescuers who were working tirelessly to free the trapped miners. The second collapse claimed the lives of three men and injured numerous others.

Sue provided emergency care to injured rescuers and miners, despite the dangerous conditions. She voluntarily went into the mine that day not only to help those who were injured, but also to spare fellow EMTs from being put in harm's way. Sue was worried about a coworker with six young children and told this fellow EMT to stay behind, noting that her own children are grown and raised.

Sue's commitment to caring for others is also what makes her invaluable as a patient advocate in the emergency room of Castleview Hospital, where she has worked for 14 years. During her days—and often long nights at Castleview—Sue touches countless lives, making a positive impact on each patient she encounters. Sue provides care and compassion to her patients at a time when they need it most, and has come to be known affectionately as ''Grandma Sue'' for the way she soothes children, the most vulnerable of her ER patients—children.

Sue's devotion to helping others is not confined to the hospital's walls. She also serves part time as an EMT where she provides patients emergency care and transport in critical situations. When Sue isn't caring for patients in the emergency room or ambulance, she is educating future generations of EMTs. For fifteen years, Sue has given back to her community by teaching countless people how to save others' lives in times of crisis.

Sue lives in Elmo, one of Utah's smallest towns. She is the proud mother of 5 children, including a Navajo foster daughter, and has 19 grandchildren. Sue also plays a role in supporting the children of her larger community by leading church youth groups and chairing an annual ''community day'' in her town.

It gives me great pleasure to know that Sue's caring, selflessness, and devotion to her community is being recognized through the LifePoint Hospitals Mercy Award.●

TRIBUTE TO MRS. SARAH J. GREENLEE

● Ms. MURKOWSKI. Mr. President, I speak today in honor of Mrs. Sarah J. Greenlee, who this week accepted the 2011 Joan Orr Air Force Spouse of the Year award. Sarah was selected from thousands of nominees worldwide who selflessly support their loved ones in uniform. I am pleased to note that Sarah earned this honor while serving in the great State of Alaska at Joint Base Elmendorf-Richardson. Sarah and her husband, LTC Paul Greenlee, have recently been transferred to Joint Base Pearl Harbor-Hickam, but Sarah has left an indelible mark on the Anchorage area through her volunteer work and leadership in the community.

Sarah was born into a military family and traveled extensively in the United States and Europe before graduating from Clark High School in San Antonio. She attended Southwest Texas State University, where she earned a bachelor's degree in psychology, and later the University of Texas-Arlington, where she achieved a master's degree in social work. Sarah subsequently entered the Air Force through the Commissioned Officer Training Program as a social worker. After 4 years of service, Sarah left the Air Force to become a full time wife and mother. Sarah and Paul are proud parents of Andrew, Rachel, and Zoe.

There is a saying in the military that ''home is where the service takes you,'' and for the Greenlees home has been Mississippi, Washington, Illinois, Alaska, and now Hawaii. While we ask much of our men and women in uniform, we recognize it is the entire family who serves. With every move, families say goodbye to dear friends, kids start school in new places, and the clock starts ticking again toward the next transition. Despite enduring these frequent moves, military spouses quickly become leaders on base and in the local community. Sarah Greenlee is a fitting case in point.

Sarah took several actions worth noting. We had two tragic aircraft accidents last year in Alaska where we lost the crews of a C–17 and an F–22 within a matter of months. In the aftermath, Sarah jumped in with support and comfort, providing food and offering encouragement to leaders and personnel

from the affected units. She opened her home to children of commanders working on the recovery effort, relieving them to focus on obligations to their units.

Sarah's impact in the local community was no less remarkable. She was active in the Mount Spurr Elementary School PTA and Anchorage Faith and Family Church. Pastors Brant and Tamara Barker, founders of the church, have travelled from Alaska to Washington to celebrate Sarah's significant accomplishment.

Those who know Sarah best say she is a source of encouragement for all she meets. Her listening ears, compassionate words, and acts of kindness bring others support and hope.

The Air Force Spouse of the Year award is named after the late Joan Orr, wife of former Secretary of the Air Force Verne Orr. Mrs. Orr was a rare, inspirational leader who would accompany her husband on visits to bases, meeting with families and visiting community support facilities. During the Christmas holiday, the Orrs traveled to remote bases in my home State of Alaska to visit servicemembers who were separated from their families. Mrs. Orr had a passion for teaching dance. Even as she struggled with the debilitating effects of Lou Gehrig's disease, she never cancelled a dance class. From a wheelchair and using a writing slate when her voice failed, she taught up to 2 weeks before her death. Sarah, like Joan, realized she had something to give and the willingness in her heart to give it.

I offer warm congratulations to Sarah on her selection as the 2011 Air Force Spouse of the Year and wish her and her family a bright future.●

TRIBUTE TO PHILIP RUSH HALEY

● Mr.VITTER. Mr. President, today I honor an American patriot and a constituent of mine, Philip Rush Haley of Denham Springs, LA. Phil grew up in Baton Rouge, LA and enlisted in the U.S. Marine Corp in 1939 at age 18.

While stationed in Manila, Philippine Islands, Mr. Haley served as a guard outside the office of Admiral Hart, Commander in Chief of the Asiatic Fleet. After Admiral Hart left the Philippines, Mr. Haley relocated to Corregidor and was placed under the command of LTG Jonathan Wainwright. The American forces surrendered to the Japanese in 1942, and it was at this time Mr. Haley became a prisoner of war.

The State Times in Baton Rouge wrote an article entitled ''Local Marine Declared Missing in Action.'' Most in his family thought Phil Haley was dead, but his mother maintained that Phil's strength and resilience would keep him alive. Nearly 1 year later, the Haley family received word that Phil was indeed alive at Mukden, a Japanese POW camp located in Manchuria, China.

Phil would be in the camp for 3½ years before the war ended and he was liberated by the Russians. His positive attitude and perseverance, as his mother predicted, did indeed keep him alive.

Phil is still persevering. He understands the importance of service, and the Marine motto always faithful. Many consider him to be a patriarch and a well-respected leader in his church. He is constantly serving others in his community through his active involvement in First Baptist Church of Denham Springs. Phil is an ordained deacon, a member of the building committee, and a member of the ''Helping Hands'' team.

On this special day we will all look back and see the hallmarks of a life well lived. His quiet determination, unfailing kindness, and unyielding spirit have made him a pillar not only of a proud and loving family, but to all who have come to know him. Beneath a humble exterior lies a generous and kind soul. He is beloved not for a litany of accomplishments, but simply for who he is.

Tom Brokaw, in his book ''The Greatest Generation,'' notes that their sacrifices made possible the many comforts and conveniences we enjoy today. It is my honor to pay tribute to this great American. He, like so many today, went into harm's way and sacrificed so much so that we can experience our liberties today. I am humbled to have the opportunity to express my appreciation for Mr. Philip Rush Haley's service to our country, and wish him all the best in years to come.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3304. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Editorial Correction to the Export Administration Regulations'' (RIN0694–AE90) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3305. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model A109A and A109AH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–0861)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company (GE) CF6–45 Series and CF6–50 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0998)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3307. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Truck Safety Standards; Concrete Crossties'' (RIN2130–AC35) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Procedures for Protests and Contract Disputes'' ((RIN2120–AJ82) (Docket No. FAA–2010–0840)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model A109A, A109A II, A109C, and A109K2 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–0823)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Route Q–37; Texas'' ((RIN2120–AA66) (Docket No. FAA–2009–0867)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3311. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Hawaiian Islands, HI'' ((RIN2120–AA66) (Docket No. FAA–2011–0754)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3312. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Copperhill, TN'' ((RIN2120–AA66) (Docket No. FAA–2011–0402)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3313. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Forest, VA'' ((RIN2120–AA66) (Docket No. FAA–2011–0378)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Janice Eberly, of Illinois, to be an Assistant Secretary of the Treasury.

*Maurice B. Foley, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years.

*Juan F. Vasquez, of Texas, to be a Judge of the United States Tax Court for a term of fifteen years.

*Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Massachusetts:

S. 1579. A bill to amend title 37, United States Code, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mr. LEE):

S. 1580. A bill to direct the Secretary of the Interior to extend an exemption from certain requirements of the Endangered Species Act of 1973 to protect public health and safety; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL:

S. 1581. A bill to improve the importer of record program and the collection of fees and duties in connection with the importation of merchandise into the United States, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. KIRK, and Mrs. BOXER):

S. 1582. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. BLUNT, and Mr. CHAMBLISS):

S. 1583. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for the purchase, construction, and installation of a safe room or storm shelter, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 1584. A bill to provide for additional quality control of drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. KERRY, Mrs. MURRAY, Mr. BROWN of Ohio, Mrs. FEINSTEIN, Mr. DURBIN, Mr. SANDERS, Mr. BEGICH, Mr. CARDIN, Mr. MERKLEY, Mr. UDALL of Colorado, Mr. AKAKA, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 1585. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself, Mr. BOOZMAN, and Mr. DURBIN):

S. Res. 272. A resolution designating November 1, 2011, as ''National Jobs Day''; to the Committee on the Judiciary.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. Res. 273. A resolution congratulating the Nunaka Valley Little League junior girls softball team on their performance in the Junior League Softball World Series; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 102

At the request of Mr. MCCAIN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 170

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 170, a bill to provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 409

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 466

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 466, a bill to provide for the restoration of legal rights for claimants under Holocaust-era insurance policies.

S. 534

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 570

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 633

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

S. 740

At the request of Mr. REED, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 965

At the request of Mrs. GILLIBRAND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER), the Senator from Delaware (Mr. CARPER) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1324

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1324, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor

of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1507

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Wyoming (Mr. BARRASSO), and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1508

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1556

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1556, a bill to require an accounting for financial support made to promote the production or use of renewable energy, and for other purposes.

AMENDMENT NO. 626

At the request of Mr. COBURN, his name was added as a cosponsor of amendment No. 626 proposed to H.R. 2832, a bill to extend the Generalized System of Preferences, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. KIRK, and Mrs. BOXER):

S. 1582. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

Mr. KIRK. Mr. President, today I am pleased to join with Senator FRANK LAUTENBERG to introduce the Clean Coastal Environment and Public Health Act of 2011 to help protect the millions of Americans who utilize public beaches each day.

Unfortunately, every year many beaches go unmonitored or face severe delays in receiving test results of levels of contamination in coastal waters. Without proper monitoring and notification, thousands of citizens risk illness due to growing contamination of our coastal waters. Beach closings are a far too regular occurrence along the 52 public Lake Michigan beaches in my home State of Illinois. According to the Illinois Department of Public Health, there were 579 beach closures or contamination advisories last year, an 8 percent increase from 2008. Beach closures greatly affect the health of our children and families—a recent University of Chicago study showed swim bans at Chicago's beaches due to E. coli levels cost the local economy $2.4 million in lost revenue every year. This bipartisan legislation requires rapid testing methods to detect water contamination in 4 hours or less, faster notification and decision about closures and advisories within 2 hours. These measures can help save millions of Americans from hospital bills or unnecessary beach closings.

But we must not ignore the more dangerous toxin which has far reaching consequences for the most vulnerable members our society—our children. Mercury pollution is a serious problem nationwide and is particularly concerning since large amounts can accumulate in fish tissue. Mercury levels in the Great Lakes, particularly in Lake Michigan, are poorly understood. Moving forward, it is critical that we revise the outdated monitoring and testing of this dangerous toxin. This bill also requires the Administrator of the Environmental Protection Agency to update existing monitoring protocols and develop updated testing recommendations for the existence of mercury in Great Lakes coastal waters, sediment and fish.

Protecting the Great Lakes and our coastal waters is one of my top priorities in Congress. I am proud to be the lead cosponsor of this important legislation that addresses a key problem facing our Great Lakes beaches. I urge my colleagues to support this bill to help safeguard our future generations and our most precious natural resource.

By Mr. INHOFE (for himself, Mr. BLUNT, and Mr. CHAMBLISS)

S. 1583. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for the purchase, construction, and installation of a safe room or storm shelter, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, being from Oklahoma, I can remember back in the days when they called Oklahoma, southern Kansas, northern Texas, and southwestern Missouri tornado alley. I say to my good friend from Oregon that I have been in aviation for many years. I know people who won't even fly airplanes through what we call tornado alley. But by now I think we know that tornadoes are a daily threat to Americans each spring as severe weather rolls across the country. In the past 30 years, over 34,000 tornadoes have touched down somewhere in the country, which means that one touches down, on average, every 8 hours of each day. This chart right here shows that each one of these little green dots represents a tornado.

As we all witnessed once again this spring, many of these tornadoes grow into very voracious and dangerous storms that bring significant harm to property and life. This year, 57 such tornadoes struck 14 States and claimed 550 lives. Alabama was the hardest hit. I can remember when Oklahoma was ranked as the hardest hit. They had over 240 killed. Missouri also suffered heavily with the loss of 157 people in Joplin. I say to my friend from Missouri, who is on the floor, I was up in Joplin right after that happened, down close to the Oklahoma border. It is something you have to witness before you understand it. In my State of Oklahoma where we have more than our fair share of violent tornadoes, this spring's storms resulted in the death of 14 people and the injury of many others. Until you have this happen, and you go on site, which I always make it a point to do—after each tornado in Oklahoma, you go down and talk to the people. You think of little kids looking for their toys and this type of thing, but they are gone and gone for good.

While this year has seen a large number of fatal tornadoes, they are a nationwide threat each spring. Since 1980, 734 tornadoes have claimed 2,462 lives in at least 37 different States, including 126 in my State of Oklahoma. Unfortunately, many of these lost lives

could have been avoided had storm shelters been more widely used.

In the past few months, a number of Oklahomans have asked me if there is a Federal program that promotes the installation of tornado storm shelters. They observed that those individuals who have these storm shelters live through it. They may lose their property, but they live through it. So they think, Well, government gets involved in all of these programs; what are they going to do to help us encourage people to build storm shelters? When I looked into it, I came up emptyhanded despite the fact that hundreds of millions of dollars are obligated each year to mitigate the effects of natural disasters.

Since death is one of the worst effects of natural disasters, one would think tornado storm shelters, which are the safest way to ride out tornadoes, would be a high priority, but only limited funds have been made available in the past, and it has been sporadic and poorly allocated. Most of the funds have been made available through FEMA's Hazardous Mitigation Grant Program, which is a mandatory program that allocates funds to States to help them better prepare for future disasters. States are able to direct some of this money to residential storm shelter construction, but to do this they have to go through a lot of hoops—through a lengthy process of coordinating a program with FEMA. Needless to say, it is a bureaucratic nightmare and hugely expensive.

Oklahoma did this after the devastating tornadoes of May 3, 1999. Fifty people died and many others were injured that day. As the recovery effort took hold, it became clear to public leaders that staggeringly few Oklahomans had storm shelters accessible for their homes. Because of this, Oklahoma's Department of Emergency Management worked with FEMA to create a temporary rebate program to encourage individuals to install storm shelters in their homes. The rebate was worth $2,000, and the funding cap was set at $6 million.

Unfortunately, the program didn't perform as well as they would have liked. It was a popular program and funding depleted quickly. But because of the rebate amount, only 3,000 homeowners were able to take advantage of the program, despite its $6 million funding level. We are talking about in the State of Oklahoma.

Furthermore, because this program was run through FEMA, it had a lot of paperwork requirements and was time consuming for the State to actually formalize. The ultimate decision of who received the rebate rested with FEMA and the Oklahoma Department of Emergency Management and they decided who received the rebate and who did not. If you ask me, that is a pretty expensive, poorly designed program, but that is generally the way FEMA structures these programs when States go to the trouble of requesting them. All told, FEMA's sporadic Hazard Mitigation Grant Program for residential storm shelters has supported the construction of only 15,000 storm shelters at a staggering cost of $35 million. That is $2,000 for each storm shelter.

A different approach is needed to encourage a wider group of people to install tornado storm shelters. This would help mitigate the loss of life during tornadoes. To give people the opportunity—I have 20 kids and grandkids. My first concern every time I hear of a tornado coming is for them. That is why we have introduced this bill called the Storm Shelter Tax Relief Act. It provides a tax deduction of up to $2,500 to any individual who installs a qualified storm shelter. The cost of this deduction is fully offset, which I will explain in a minute, where it is coming from, and there are reductions in other areas of spending.

First, the deduction can be claimed by any taxpayer. If someone in Oklahoma, Kentucky, or Tennessee decides they need a storm shelter at their house, they can pay to have one installed and then claim the incentive by deducting up to $2,500 from their income when they file their taxes. Claiming this incentive would not require dealing with a big bureaucracy. One doesn't have to fill out the forms. One does not have to go through all the redtape. That is one of the reasons people don't do it under the existing programs. As I said before, previous programs that have been administered through FEMA place the power of the shelter incentive into the hands of an agency and not a family, not individuals. The agency then decides who does and does not receive the incentive. I think it is best when this middleman can be avoided, and a tax deduction does that. The Tax Code is blind and provides the incentive to anyone who decides in their best judgment that they need a storm shelter.

Lastly, and probably most importantly, the tax deduction is a better allocation of scarce taxpayer resources. A rebate that covers a large portion of a shelter's cost, as the Oklahoma program did, can foster moral hazard. What I mean is that when free money is on the table, people generally take it. In this case, people may take the rebate to buy a storm shelter because it is free, not because it is what they need. A tax deduction doesn't allow this because the actual incentive is much lower in value. No one is going to go out and spend $2,000 or more on a storm shelter because they get to write that amount off of their taxable income. Nobody does that. A rational individual would only go out to buy a shelter if they know they need one and then it has the added benefit of being deducted from their income, so it is a much better way of approaching it. On the aggregate level, this allows a lot more people to get the incentive at the same cost compared to the rebate programs that have been used in the past. A tax deduction provides a nudge to taxpayers to take practical steps to stay safe in areas where tornadoes are common. It is a commonsense approach and a better way to use taxpayer resources.

Further, this proposal's $41 million cost is fully paid for by rescinding funds authorized for storm shelter construction grants through the programs administered through HUD. In other words, we are doing this program and providing countless more shelters at a cost that would merely mean a tax deduction, and it is going to have a lot more people participating in the program. This means that existing unspent HUD funds that are duplicative of other FEMA spending will be redirected to a more effective policy in order to accomplish the same goal: Encourage the installation of more storm shelters to save lives from deadly tornadoes.

Many may wonder why this is something the Federal Government should be doing. In reality, this falls squarely within the purpose of the hazard mitigation priorities of the Federal Government. FEMA defines hazardous mitigation as ''any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event.'' HMGP regulations state that projects ''retrofitting structures . . . to minimize damages from high winds, earthquake, flood, wildfire, or other natural hazards'' are eligible for the expenditure of program dollars. The main goal of all this spending is to reduce the likelihood of losses of life and property, and retrofitting buildings to lesson the likelihood of damage caused by tornadoes is an eligible expense. That is what this tax deduction does.

Furthermore, the threat of deadly and dangerous tornadoes stretches far across the Nation. We saw the first map, but this map shows it is not just the tornado alley I referred to right here. With the exception of mountainous areas here, the danger zone is all across America. Not surprisingly, Oklahoma is right in the center. When we look at where deadly tornadoes have occurred during the past 30 years, it is spread across the entire eastern half of the country. All the States in red have had at least one deadly tornado every other year since 1980, and most of them have had even more. This may be surprising, but the threat is real. It needs to be addressed. More tornado storm shelters need to be constructed around the country and Federal policies encouraging this need to be changed. That is why we are introducing the Storm Shelter Tax Relief Act. The number of this bill, I say to my colleagues, is S. 1583. It was introduced today. I think those of us who have lived in these tornado-prone areas—I can tell stories about tornadoes picking up a horse and replacing it, dropping it someplace. In my personal experience, my wife was after me about 50 years ago when we had a place up in the country—we still have the same place—and I had a red Jeep. That

red Jeep was one we had for a long time. She said, How come you don't have that insured? I said, What could happen to a red Jeep in the middle of the country in Oklahoma? Well, a tornado came along, picked up a tree and dropped it right on top of my red Jeep. It cut it in half. So they are totally unpredictable.

I can tell more stories about Moore, OK, when we had our 1999 tornado where everything was devastated on one side of the street and nothing was touched on the other side of the street.

It is an art to understanding where these are coming from. We now have developed that art. There is not a person who could be in the path of a tornado who doesn't have the facilities and the resources to see what is out there and where it is coming. What they don't have is a way, if it is unavoidable, to protect themselves if it hits them. The obvious answer is a storm shelter.

I appreciate the Senator from Missouri, who is going to speak next, cosponsoring this bill. We would like to have more cosponsors. We have every intention of getting this passed.

With that, I yield the floor.

The PRESIDING OFFICER pro tempore. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am pleased to cosponsor the bill with Senator INHOFE. Between he and I, we may have been to the scenes of more tornadoes than almost anybody else in America who is not a storm chaser. Because of where we live and what we have done, we have had a chance to see the aftermath of many tornadoes. Unlike the floods we have dealt with in our State this year and the hurricanes we have dealt with in other States recently, the tornado is there and you don't get much warning, and that storm shelter needs to be close if you want a chance to get into it. The bill he has drafted and I am proud to cosponsor with him provides an opportunity to get that storm shelter nearby.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 272—DESIGNATING NOVEMBER 1, 2011, AS ''NATIONAL JOBS DAY''

Mr. PRYOR (for himself, Mr. BOOZMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 272

Whereas people in the United States want to work and contribute to the national economy;

Whereas the national unemployment rate in the United States remains stubbornly above 9 percent;

Whereas the Office of Management and Budget Fiscal Year 2012 Mid-Session Review of the Budget projects that the unemployment rate may stay above 8.3 percent in 2012;

Whereas almost half of unemployed people in the United States have been out of work for 6 months or more and more than 25,000,000 people in the United States are not able to find a full-time job;

Whereas throughout the history of the United States, in times of crisis, the private sector has come together and helped lead the United States forward;

Whereas the private sector can lead the economic recovery by hiring workers from the United States;

Whereas small and large businesses have the power to fuel growth and help bring the United States back to normal levels of employment;

Whereas uhireU.S. is a national initiative to rally the business community in the Untied States to come together in its own best interest to hire 1,000,000 workers by the end of 2011;

Whereas employing 1,000,000 more people will increase the demand for the goods and services that businesses need to sell, and increase positive sentiment toward businesses;

Whereas uhireU.S. is supported by many non-governmental organizations; and

Whereas it is important to designate a day for everyone throughout the United States to focus on overcoming the human and economic costs of high unemployment: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 1, 2011, as ''National Jobs Day'';

(2) encourages businesses, starting on November 1, 2011, to pledge to add not less than 1 unemployed worker for each 100 employees; and

(3) supports the goal of the uhireU.S. initiative to put new life into the economy by promoting a wave of business ingenuity that puts 1,000,000 individuals who are jobless back at work by the end of 2011.

SENATE RESOLUTION 273—CONGRATULATING THE NUNAKA VALLEY LITTLE LEAGUE JUNIOR GIRLS SOFTBALL TEAM ON THEIR PERFORMANCE IN THE JUNIOR LEAGUE SOFTBALL WORLD SERIES

Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 273

Whereas the Nunaka Valley Little League junior girls softball team is comprised of young women from Anchorage, Alaska who play softball;

Whereas the Nunaka Valley Little League junior girls softball team compiled an impressive record in the 2011 regular season, outscoring opponents 428 to 83;

Whereas the Nunaka Valley Little League junior girls softball team was undefeated in the district and State tournaments on the way to winning the Alaska State Championship;

Whereas the Nunaka Valley Little League junior girls softball team was undefeated in 4 games and won the West Regional Tournament held in Marana, Arizona;

Whereas in August, 2011, the Nunaka Valley Little League junior girls softball team represented the West Region at the Junior League Softball World Series in Kirkland, Washington;

Whereas in 2011, Nunaka Valley Little League junior girls softball team manager Richard Knowles led the team to the Junior League Softball World Series for the second time in 3 years;

Whereas in 2011, the Nunaka Valley Little League junior girls softball team won 4 games and lost just 2 games en route to a third place finish in the Junior League Softball World Series;

Whereas more than 2,000 teams and 30,000 players compete in Junior League Girls Softball each year;

Whereas the Nunaka Valley Little League junior girls softball team finished the 2011 season ranked third in the world;

Whereas the hard work and dedication of the entire Nunaka Valley Little League junior girls softball team and the support of their families led the team to success in 2011;

Whereas Little League softball and baseball has provided a positive athletic experience and fostered teamwork and sportsmanship to millions of children in the United States and around the world; and

Whereas Alaskans everywhere are proud of the Nunaka Valley Little League junior girls athletes, Jacynne Augufa, Leilani Blair, Heather Breslin, Metanoya Fiame, Morgan Hill, Julia Merritt, Gabrielle Meyerson, Taria Page, Hannah Peterson, Sydney Smith, Lauren Syrup, and Nanea Tali, on the 2011 softball season: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the athletes, parents, and coaching staff of the Nunaka Valley Little League junior girls softball team on an impressive 2011 season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Nunaka Valley Little League President, Greg Davis; and

(B) the Nunaka Valley Little League junior girls softball team manager, Richard Knowles, and coaches Rick Peterson and Richard Hill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 627. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 628. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 629. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 630. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 631. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 632. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 633. Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra.

SA 634. Mr. CORNYN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 635. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109–416); which was ordered to lie on the table.

SA 636. Mr. CARDIN (for himself, Mr. SCHUMER, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other

purposes; which was ordered to lie on the table.

SA 637. Mr. BINGAMAN (for himself, Mr. AKAKA, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 638. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 639. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 641. Mr. HATCH proposed an amendment to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra.

SA 642. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 643. Ms. CANTWELL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 2832, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 627. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 7 and 8, insert the following:

SEC. 231. EFFECTIVE DATE FOR TRADE ADJUSTMENT ASSISTANCE CONTINGENT ON ENACTMENT OF CERTAIN FREE TRADE AGREEMENT IMPLEMENTING BILLS.

Notwithstanding section 201(b) or any other provision of this subtitle, the amendments made by this subtitle shall take effect on the date on which the United States–Korea Free Trade Agreement Implementation Act, the United States–Colombia Trade Promotion Agreement Implementation Act, and the United States–Panama Trade Promotion Agreement Implementation Act have been enacted into law.

SA 628. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 6 and 7, insert the following:

SEC. 224. MODIFICATION OF TRADE ADJUSTMENT ASSISTANCE ELIGIBILITY REQUIREMENTS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211(a), is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(iii), by striking ''contributed importantly to such workers' separation or threat of separation and to'' and inserting ''was a substantial cause of such workers' separation or threat of separation and of''; and

(B) in subparagraph (B)(ii), by striking ''contributed importantly to'' and inserting ''was a substantial cause of'';

(2) in paragraph (3)(B) of subsection (b), as redesignated by section 211(a), by striking ''contributed importantly to'' and inserting ''was a substantial cause of''; and

(3) in subsection (c), as redesignated and amended by section 211(a), by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(C), by striking ''contributed importantly to such total or partial separation, or threat thereof, and to'' and inserting ''were a substantial cause of such total or partial separation, or threat thereof, and of''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A);

(ii) by striking ''(B)''; and

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left.

(c) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—

(1) IN GENERAL.—Section 292(c)(3) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(3)) is amended by striking ''contributed importantly to'' and inserting ''was a substantial cause of''.

(2) CONFORMING AMENDMENT.—Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SA 629. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. REPORT ON IMPACT OF FREE TRADE AGREEMENTS ON EMPLOYMENT IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 1 year after the date on which a free trade agreement specified in subsection (b) enters into force, the Secretary of Labor shall submit to Congress a report assessing—

(1) the number of workers dislocated because of the entry into force of that agreement; and

(2) the overall impact of that agreement on employment in the United States.

(b) FREE TRADE AGREEMENTS SPECIFIED.—A free trade agreement specified in this subsection is—

(1) the United States–Korea Free Trade Agreement;

(2) the United States–Colombia Trade Promotion Agreement; or

(3) the United States–Panama Trade Promotion Agreement.

SA 630. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, between lines 2 and 3, insert the following:

SEC. 217. PLAN TO LEVERAGE PRIVATE SECTOR RESOURCES TO ASSIST WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Commerce, shall submit to Congress a plan to effectively leverage private sector resources to assist workers who are eligible for trade adjustment assistance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) to find employment.

SA 631. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. RENEWAL OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking everything after ''suitable for use in men's and boys' shirts'' in the article description column and by striking the date in the effective date column and inserting ''12/31/2013'':

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''amounts determined by the Secretary'' and all that follows through ''5208.59.80'' and inserting ''amounts received in the general fund that

are attributable to duties received since January 1, 2004, on articles classified under heading 5208''; and

(B) in paragraph (2), by striking ''October 1, 2008'' and inserting ''December 31, 2013'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''beginning in fiscal year 2007'' and inserting ''for fiscal year 2011 and each fiscal year thereafter'';

(B) by striking ''grown in the United States'' each place it appears; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''that produce ring spun cotton yarns in the United States'' after ''of pima cotton'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1), by inserting ''during the year in which the affidavit is filed and'' after ''imported cotton fabric''; and

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1)—

(i) by striking ''grown in the United States'' and inserting ''during the year in which the affidavit is filed and''; and

(ii) by inserting ''in the United States'' after ''cotton yarns''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SA 632. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE ____—CURRENCY EXCHANGE RATE TRANSPARENCY

SECTION _01. SHORT TITLE.

This title may be cited as the ''Currency Exchange Rate Transparency Act''.

SEC. _02. LIMITATIONS ON BILLS IMPLEMENTING TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country (or extending permanent normal trade relations) shall be subject to a point of order pursuant to subsection (c) unless—

(1) the bill is accompanied by a Presidential certification described in subsection (b); and

(2) the bill contains a provision approving that certification.

(b) CERTIFICATION.—

(1) IN GENERAL.—A certification described in this subsection means a certification submitted by the President to the Congress that, in the 10-year period preceding the certification, the government of a country described in paragraph (2) has not engaged in the intervention or manipulation of the rate of exchange between that country's currency and the United States dollar for purposes of preventing effective balance of payments adjustments or gaining unfair competitive advantage in international trade.

(2) COUNTRY DESCRIBED.—A country described in this paragraph is a country—

(A) with respect to which the United States is entering into a trade agreement; or

(B) with respect to which the United States is extending permanent normal trade relations

(c) POINT OF ORDER IN SENATE.—

(1) IN GENERAL.—The Senate shall cease consideration of a bill to implement a trade agreement (or to extend permanent normal trade relations), if—

(A) a point of order is made by any Senator against the bill because the bill is not accompanied by a certification described in subsection (b); and

(B) the point of order is sustained by the presiding officer.

(2) WAIVERS AND APPEALS.—

(A) WAIVERS.—Before the presiding officer rules on a point of order described in paragraph (1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in paragraph (1) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(B) APPEALS.—After the presiding officer rules on a point of order under this paragraph, any Senator may appeal the ruling of the presiding officer on the point of order as it applies to some or all of the provisions on which the presiding officer ruled. A ruling of the presiding officer on a point of order described in paragraph (1) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(C) DEBATE.—Debate on a motion to waive under subparagraph (A) or on an appeal of the ruling of the presiding officer under subparagraph (B) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate, or their designees.

SA 633. Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Trade Adjustment Assistance Extension Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

SEC. 201. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) REPEAL OF SNAPBACK.—Section 1893 of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422) is repealed.

(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on February 12, 2011, and as amended by this subtitle, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to petitions for certification filed under chapters 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) REFERENCES.—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on February 12, 2011.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 211. GROUP ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in paragraph (2) of subsection (b), as redesignated, by striking ''(d)'' and inserting ''(c)'';

(4) in subsection (c), as redesignated, by striking paragraph (5); and

(5) in paragraph (2) of subsection (d), as redesignated, by striking '', (b), or (c)'' and inserting ''or (b)''.

(b) CONFORMING AMENDMENTS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''Subject to section 222(d)(5), the term'' and inserting ''The term''; and

(B) in subparagraph (A), by striking '', service sector firm, or public agency'' and inserting ''or service sector firm'';

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

SEC. 212. REDUCTIONS IN WAIVERS FROM TRAINING.

(a) IN GENERAL.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A), (B), and (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (A), (B), and (C), respectively; and

(2) in paragraph (3)(B), by striking ''(D), (E), or (F)'' and inserting ''or (C)''.

(b) GOOD CAUSE EXCEPTION.—Section 234(b) of the Trade Act of 1974 (19 U.S.C. 2294(b)) is amended to read as follows:

''(b) SPECIAL RULE ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—The Secretary shall establish procedures and criteria that allow for a waiver for good cause of the time limitations with respect to an application for a trade readjustment allowance or enrollment in training under this chapter.''.

SEC. 213. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking ''(or'' and all that follows through ''period)''; and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''78'' and inserting ''65''; and

(ii) by striking ''91-week period'' each place it appears and inserting ''78-week period''; and

(2) by amending subsection (f) to read as follows:

''(f) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

''(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

''(2) the worker participates in training in each such week; and

''(3) the worker—

''(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

''(B) is expected to continue to make progress toward the completion of the training; and

''(C) will complete the training during that period of eligibility.''.

SEC. 214. FUNDING OF TRAINING, EMPLOYMENT AND CASE MANAGEMENT SERVICES, AND JOB SEARCH AND RELOCATION ALLOWANCES.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

(1) by inserting ''and sections 235, 237, and 238'' after ''to carry out this section'' each place it appears;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''of payments that may be made under paragraph (1)'' and inserting ''of funds available to carry out this section and sections 235, 237, and 238''; and

(B) by striking clauses (i) and (ii) and inserting the following:

''(i) $575,000,000 for each of fiscal years 2012 and 2013; and

''(ii) $143,750,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.'';

(3) in subparagraph (C)(ii)(V), by striking ''relating to the provision of training under this section'' and inserting ''to carry out this section and sections 235, 237, and 238''; and

(4) in subparagraph (E), by striking ''to pay the costs of training approved under this section'' and inserting ''to carry out this section and sections 235, 237, and 238''.

(b) LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

(1) IN GENERAL.—Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended—

(A) in the section heading, by striking ''**FUNDING FOR**'' and inserting ''**LIMITATIONS ON**''; and

(B) by striking subsections (a) and (b) and inserting the following:

''Of the funds made available to a State to carry out sections 235 through 238 for a fiscal year, the State shall use—

''(1) not more than 10 percent for the administration of the trade adjustment assistance for workers program under this chapter, including for—

''(A) processing waivers of training requirements under section 231;

''(B) collecting, validating, and reporting data required under this chapter; and

''(C) providing reemployment trade adjustment assistance under section 246; and

''(2) not less than 5 percent for employment and case management services under section 235.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 235A and inserting the following:

''Sec. 235A. Limitations on administrative expenses and employment and case management services.''.

(c) REALLOTMENT OF FUNDS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by adding at the end the following:

''(c) REALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—The Secretary may—

''(A) reallot funds that were allotted to any State to carry out sections 235 through 238 and that remain unobligated by the State during the second or third fiscal year after the fiscal year in which the funds were provided to the State; and

''(B) provide such realloted funds to States to carry out sections 235 through 238 in accordance with procedures established by the Secretary.

''(2) REQUESTS BY STATES.—In establishing procedures under paragraph (1)(B), the Secretary shall include procedures that provide for the distribution of realloted funds under that paragraph pursuant to requests submitted by States in need of such funds.

''(3) AVAILABILITY OF AMOUNTS.—The reallotment of funds under paragraph (1) shall not extend the period for which such funds are available for expenditure.''.

(d) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(1)—

(A) by striking ''An adversely affected worker'' and inserting ''Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker''; and

(B) by striking ''may'' and inserting ''to'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''An'' and inserting ''Any''; and

(ii) by striking ''all necessary job search expenses'' and inserting ''not more than 90 percent of the necessary job search expenses of the worker''; and

(B) in paragraph (2), by striking ''$1,500'' and inserting ''$1,250''; and

(3) in subsection (c), by striking ''the Secretary shall'' and inserting ''a State may''.

(e) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(1)—

(A) by striking ''Any adversely affected worker'' and inserting ''Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker''; and

(B) by striking ''may file'' and inserting ''to file''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''The'' and inserting ''Any''; and

(ii) by striking ''includes'' and inserting ''shall include'';

(B) in paragraph (1), by striking ''all'' and inserting ''not more than 90 percent of the''; and

(C) in paragraph (2), by striking ''$1,500'' and inserting ''$1,250''.

(f) CONFORMING AMENDMENTS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (b), in the first sentence, by striking ''appropppriate'' and inserting ''appropriate''; and

(2) by striking subsection (g) and redesignating subsection (h) as subsection (g).

SEC. 215. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking ''$55,000'' and inserting ''$50,000''; and

(2) in paragraph (5)—

(A) in subparagraph (A)(i), by striking ''$12,000'' and inserting ''$10,000''; and

(B) in subparagraph (B)(i), by striking ''$12,000'' and inserting ''$10,000''.

(b) EXTENSION.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''February 12, 2011'' and inserting ''December 31, 2013''.

SEC. 216. PROGRAM ACCOUNTABILITY.

(a) CORE INDICATORS OF PERFORMANCE.—

(1) IN GENERAL.—Section 239(j)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2311(j)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

''(i) the percentage of workers receiving benefits under this chapter who are employed during the first or second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

''(ii) the percentage of such workers who are employed during the 2 calendar quarters

following the earliest calendar quarter during which the worker was employed as described in clause (i);

''(iii) the average earnings of such workers who are employed during the 2 calendar quarters described in clause (ii); and

''(iv) the percentage of such workers who obtain a recognized postsecondary credential, including an industry-recognized credential, or a secondary school diploma or its recognized equivalent if combined with employment under clause (i), while receiving benefits under this chapter or during the 1-year period after such workers cease receiving such benefits.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to agreements under section 239 of the Trade Act of 1974 (19 U.S.C. 2311) entered into before, on, or after October 1, 2011.

(b) COLLECTION AND PUBLICATION OF DATA.—

(1) IN GENERAL.—Section 249B(b) of the Trade Act of 1974 (19 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting ''(including such allowances classified by payments under paragraphs (1) and (3) of section 233(a), and section 233(f), respectively) and payments under section 246'' after ''readjustment allowances''; and

(ii) by adding at the end the following:

''(D) The average number of weeks trade readjustment allowances were paid to workers.

''(E) The number of workers who report that they have received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''training leading to an associate's degree, remedial education, prerequisite education,'' after ''distance learning,'';

(ii) by amending subparagraph (B) to read as follows:

''(B) The number of workers who complete training approved under section 236 who were enrolled in pre-layoff training or part-time training at any time during that training.'';

(iii) in subparagraph (C), by inserting '', and the average duration of training that does not include remedial or prerequisite education'' after ''training'';

(iv) in subparagraph (E), by striking ''duration'' and inserting ''average duration''; and

(v) in subparagraph (F), by inserting ''and the average duration of the training that was completed by such workers'' after ''training''; and

(C) in paragraph (4)—

(i) by redesignating subparagraph (B) as subparagraph (D); and

(ii) by inserting after subparagraph (A) the following:

''(B) A summary of the data on workers in the quarterly reports required under section 239(j) classified by the age, pre-program educational level, and post-program credential attainment of the workers.

''(C) The average earnings of workers described in section 239(j)(2)(A)(i) in the second, third, and fourth calendar quarters following the calendar quarter in which such workers cease receiving benefits under this chapter, expressed as a percentage of the average earnings of such workers in the 3 calendar quarters before the calendar quarter in which such workers began receiving benefits under this chapter.''; and

(D) by adding at the end the following:

''(6) DATA ON SPENDING.—

''(A) The total amount of funds used to pay for trade readjustment allowances, in the aggregate and by each State.

''(B) The total amount of the payments to the States to carry out sections 235 through 238 used for training, in the aggregate and for each State.

''(C) The total amount of payments to the States to carry out sections 235 through 238 used for the costs of administration, in the aggregate and for each State.

''(D) The total amount of payments to the States to carry out sections 235 through 238 used for job search and relocation allowances, in the aggregate and for each State.''.

(2) EFFECTIVE DATE.—Not later than October 1, 2012, the Secretary of Labor shall update the system required by section 249B(a) of the Trade Act of 1974 (19 U.S.C. 2323(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1).

(3) ANNUAL REPORT.—Section 249B(d) of the Trade Act of 1974 (19 U.S.C. 2323(d)) is amended by striking ''December 15'' and inserting ''February 15''.

SEC. 217. EXTENSION.

Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''February 12, 2011'' and inserting ''December 31, 2013''.

PART III—OTHER ADJUSTMENT ASSISTANCE

SEC. 221. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

''SEC. 255A. ANNUAL REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

''(a) IN GENERAL.—Not later than December 15, 2012, and annually thereafter, the Secretary shall prepare a report containing data regarding the trade adjustment assistance for firms program under this chapter for the preceding fiscal year. The data shall include the following:

''(1) The number of firms that inquired about the program.

''(2) The number of petitions filed under section 251.

''(3) The number of petitions certified and denied by the Secretary.

''(4) The average time for processing petitions after the petitions are filed.

''(5) The number of petitions filed and firms certified for each congressional district of the United States.

''(6) Of the number of petitions filed, the number of firms that entered the program and received benefits.

''(7) The number of firms that received assistance in preparing their petitions.

''(8) The number of firms that received assistance developing business recovery plans.

''(9) The number of business recovery plans approved and denied by the Secretary.

''(10) The average duration of benefits received under the program nationally and in each region served by an intermediary organization referred to in section 253(b)(1).

''(11) Sales, employment, and productivity at each firm participating in the program at the time of certification.

''(12) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion of the program.

''(13) The number of firms in operation as of the date of the report and the number of firms that ceased operations after completing the program and in each year during the 2-year period following completion of the program.

''(14) The financial assistance received by each firm participating in the program.

''(15) The financial contribution made by each firm participating in the program.

''(16) The types of technical assistance included in the business recovery plans of firms participating in the program.

''(17) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project or projects were not completed.

''(18) The total amount expended by all intermediary organizations referred to in section 253(b)(1) and by each such organization to administer the program.

''(19) The total amount expended by intermediary organizations to provide technical assistance to firms under the program nationally and in each region served by such an organization.

''(b) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

''(c) REPORT TO CONGRESS; PUBLICATION.—The Secretary shall—

''(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

''(2) publish the report in the Federal Register and on the website of the Department of Commerce.

''(d) PROTECTION OF CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—The Secretary may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the Secretary from providing information the Secretary considers to be confidential business information under paragraph (1) to a court in camera or to another party under a protective order issued by a court.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255 the following:

''Sec. 255A. Annual report on trade adjustment assistance for firms.''.

(3) CONFORMING REPEAL.—Effective on the day after the date on which the Secretary of Commerce submits the report required by section 1866 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2356) for fiscal year 2011, such section is repealed.

(b) EXTENSION.—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended—

(1) by striking ''$50,000,000'' and all that follows through ''February 12, 2011.'' and inserting ''$16,000,000 for each of the fiscal years 2012 and 2013, and $4,000,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.''; and

(2) by striking ''shall—'' and all that follows through ''otherwise remain'' and inserting ''shall remain''.

SEC. 222. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

(1) by striking subchapters A, C, and D;

(2) in subchapter B, by striking the subchapter heading; and

(3) by redesignating sections 278 and 279 as sections 271 and 272, respectively.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in the matter preceding paragraph (1), by striking ''December 15 in each of the calendar years 2009 through'' and inserting ''December 15, 2009,'';

(B) in paragraph (1), by striking ''and'' at the end;

(C) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(3) providing the following data relating to program performance and outcomes:

''(A) Of the grants awarded under this section, the amount of funds spent by grantees.

''(B) The average dollar amount of grants awarded under this section.

''(C) The average duration of grants awarded under this section.

''(D) The percentage of workers receiving benefits under chapter 2 that are served by programs developed, offered, or improved using grants awarded under this section.

''(E) The percentage and number of workers receiving benefits under chapter 2 who obtained a degree through such programs and the average duration of the participation of such workers in training under section 236.

''(F) The number of workers receiving benefits under chapter 2 served by such programs who did not complete a degree and the average duration of the participation of such workers in training under section 236.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), on or after October 1, 2012.

(c) CONFORMING AMENDMENTS.—

(1) Section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in subsection (c)—

(i) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (ii), by striking the semicolon and inserting ''; and'';

(bb) by striking clauses (iii) and (iv); and

(cc) by redesignating clause (v) as clause (iii);

(II) in subparagraph (B), by striking ''(A)(v)'' and inserting ''(A)(iii)''; and

(ii) in paragraph (5)(A)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking '', and other entities described in section 276(a)(2)(B)''; and

(bb) in subclause (II), by striking the semicolon and inserting ''; and'';

(II) by striking clause (iii); and

(B) in subsection (d), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Subsection (b) of section 272 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended by striking ''278(a)(2)'' and inserting ''271(a)(2)''.

(d) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Sec. 271. Community College and Career Training Grant Program.

''Sec. 272. Authorization of appropriations.''.

SEC. 223. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) is amended to read as follows:

''(d) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to the trade adjustment assistance for farmers program under this chapter during the preceding fiscal year:

''(1) A list of the agricultural commodities covered by a certification under this chapter.

''(2) The States or regions in which agricultural commodities are produced and the aggregate amount of such commodities produced in each such State or region.

''(3) The number of petitions filed.

''(4) The number of petitions certified and denied by the Secretary.

''(5) The average time for processing petitions.

''(6) The number of petitions filed and agricultural commodity producers approved for each congressional district of the United States.

''(7) Of the number of producers approved, the number of agricultural commodity producers that entered the program and received benefits.

''(8) The number of agricultural commodity producers that completed initial technical assistance.

''(9) The number of agricultural commodity producers that completed intensive technical assistance.

''(10) The number of initial business plans approved and denied by the Secretary.

''(11) The number of long-term business plans approved and denied by the Secretary.

''(12) The total number of agricultural commodity producers, by congressional district, receiving initial technical assistance and intensive technical assistance, respectively, under this chapter.

''(13) The types of initial technical assistance received by agricultural commodity producers participating in the program.

''(14) The types of intensive technical assistance received by agricultural commodity producers participating in the program.

''(15) The number of agricultural commodity producers leaving the program before completing the projects in their long-term business plans and the reason those projects were not completed.

''(16) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

''(17) The average duration of benefits received under this chapter.

''(18) The number of agricultural commodity producers in operation as of the date of the report and the number of agricultural commodity producers that ceased operations after completing the program and in the 1-year period following completion of the program.

''(19) The number of agricultural commodity producers that report that such producers received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the date of the report.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) on or after October 1, 2012.

(b) EXTENSION.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(1) by striking ''and there are appropriated''; and

(2) by striking ''not to exceed'' and all that follows through ''February 12, 2011'' and inserting ''not to exceed $90,000,000 for each of the fiscal years 2012 and 2013, and $22,500,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013''.

PART IV—GENERAL PROVISIONS

SEC. 231. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—

(1) PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.—

(A) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(i) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination; and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) PETITION DESCRIBED.—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(B) ELIGIBILITY FOR BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 60 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) ELECTION FOR WORKERS RECEIVING BENEFITS ON THE 60TH DAY AFTER ENACTMENT.—

(I) IN GENERAL.—A worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 as of the date that is 60 days after the date of the enactment of this Act may, not later than the date that is 150 days after such date of enactment, make a one-time election to receive benefits pursuant to—

(aa) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment; or

(bb) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(II) EFFECT OF FAILURE TO MAKE ELECTION.—A worker described in subclause (I) who does not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(III) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included

in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

(2) PETITIONS FILED BEFORE FEBRUARY 13, 2011.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974—

(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on February 12, 2011; or

(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting ''before February 13, 2010'' for ''more than one year before the date of the petition on which such certification was granted'' for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 232. TERMINATION PROVISIONS.

Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended—

(1) by striking ''February 12, 2011'' each place it appears and inserting ''December 31, 2013'';

(2) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking ''that chapter'' and all that follows through ''the worker is—'' and inserting ''that chapter if the worker is—''; and

(B) in subparagraph (A), by striking ''petitions'' and inserting ''a petition''; and

(3) in subsection (b)—

(A) in paragraph (1)(B), in the matter preceding clause (i), by inserting ''pursuant to a petition filed under section 251'' after ''chapter 3'';

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''pursuant to a petition filed under section 292'' after ''chapter 6''; and

(C) by striking paragraph (3).

SEC. 233. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting ''104-week period'' for ''104-week period'' and all that follows through ''130-week period)''; and

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting ''65'' for ''52''; and

(II) by substituting ''78-week period'' for ''52-week period'' each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

''(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

''(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

''(2) the worker participates in training in each such week; and

''(3) the worker—

''(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

''(B) is expected to continue to make progress toward the completion of the training; and

''(C) will complete the training during that period of eligibility.'';

(3) section 245 of that Act shall be applied and administered by substituting ''2014'' for ''2007'';

(4) section 246(b)(1) of that Act shall be applied and administered by substituting ''December 31, 2014'' for ''the date that is 5 years'' and all that follows through ''State'';

(5) section 256(b) of that Act shall be applied and administered by substituting ''the 1-year period beginning on January 1, 2014'' for ''each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007'';

(6) section 298(a) of that Act shall be applied and administered by substituting ''the 1-year period beginning on January 1, 2014'' for ''each of the fiscal years'' and all that follows through ''October 1, 2007''; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting ''2014'' for ''2007'' each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

''(b) OTHER ASSISTANCE.—

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2014.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

''(2) FARMERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2014.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.''.

(b) EXCEPTIONS.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after January 1, 2014, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2014;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2014; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2014.

Subtitle B—Health Coverage Improvement

SEC. 241. HEALTH CARE TAX CREDIT.

(a) TERMINATION OF CREDIT.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by inserting '', and before January 1, 2014'' before the period.

(b) EXTENSION THROUGH CREDIT TERMINATION DATE OF CERTAIN EXPIRED CREDIT PROVISIONS.—

(1) PARTIAL EXTENSION OF INCREASED CREDIT RATE.—Section 35(a) of such Code is amended by striking ''65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)'' and inserting ''72.5 percent''.

(2) EXTENSION OF ADVANCE PAYMENT PROVISIONS.—

(A) Section 7527(b) of such Code is amended by striking ''65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)'' and inserting ''72.5 percent''.

(B) Section 7527(d)(2) of such Code is amended by striking ''which is issued before February 13, 2011''.

(C) Section 7527(e) of such Code is amended by striking ''80 percent'' and inserting ''72.5 percent''.

(D) Section 7527(e) of such Code is amended by striking ''In the case of eligible coverage months beginning before February 13, 2011—''.

(3) EXTENSION OF CERTAIN OTHER RELATED PROVISIONS.—

(A) Section 35(c)(2)(B) of such Code is amended by striking ''and before February 13, 2011''.

(B) Section 35(e)(1)(K) of such Code is amended by striking ''In the case of eligible coverage months beginning before February 13, 2012, coverage'' and inserting ''Coverage''.

(C) Section 35(g)(9) of such Code, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking ''In the case of eligible coverage months beginning before February 13, 2011—''.

(D) Section 173(f)(8) of the Workforce Investment Act of 1998 is amended by striking ''In the case of eligible coverage months beginning before February 13, 2011—''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to coverage months beginning after February 12, 2011.

(2) ADVANCE PAYMENT PROVISIONS.—

(A) The amendment made by subsection (b)(2)(B) shall apply to certificates issued after the date which is 30 days after the date of the enactment of this Act.

(B) The amendment made by subsection (b)(2)(D) shall apply to coverage months beginning after the date which is 30 days after the date of the enactment of this Act.

SEC. 242. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IN GENERAL.—The following provisions are each amended by striking ''February 13, 2011'' and inserting ''January 1, 2014'':

(1) Section 9801(c)(2)(D) of the Internal Revenue Code of 1986.

(2) Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)).

(3) Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014).

(4) Section 2704(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning on or after January 1, 2014).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after February 12, 2011.

(2) TRANSITIONAL RULES.—

(A) BENEFIT DETERMINATIONS.—Notwithstanding the amendments made by this section (and the provisions of law amended thereby), a plan shall not be required to modify benefit determinations for the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, but a plan shall not fail to be qualified health insurance within the meaning of section 35(e) of the Internal Revenue Code of 1986 during this period merely due to such failure to modify benefit determinations.

(B) GUIDANCE CONCERNING PERIODS BEFORE 30 DAYS AFTER ENACTMENT.—Except as provided in subparagraph (A), the Secretary of the Treasury (or his designee), in consultation with the Secretary of Health and Human Services and the Secretary of Labor, may issue regulations or other guidance regarding the scope of the application of the amendments made by this section to periods before the date which is 30 days after the date of the enactment of this Act.

(C) SPECIAL RULE RELATING TO CERTAIN LOSS OF COVERAGE.—In the case of a TAA-related loss of coverage (as defined in section 4980B(f)(5)(C)(iv) of the Internal Revenue Code of 1986) that occurs during the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, the 7-day period described in section 9801(c)(2)(D) of the Internal Revenue Code of 1986, section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974, and section 2701(c)(2)(C) of the Public Health Service Act shall be extended until 30 days after such date of enactment.

SEC. 243. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) IN GENERAL.—The following provisions are each amended by striking ''February 12, 2011'' and inserting ''January 1, 2014'':

(1) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)).

(2) Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)).

(3) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986.

(4) Section 4980B(f)(2)(B)(i)(VI) of such Code.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)(iv)).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after the date which is 30 days after the date of the enactment of this Act.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

SEC. 251. MANDATORY PENALTY ASSESSMENT ON FRAUD CLAIMS.

(a) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) in paragraph (10), by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(2) by adding at the end the following new paragraph:

''(11)(A) At the time the State agency determines an erroneous payment from its unemployment fund was made to an individual due to fraud committed by such individual, the assessment of a penalty on the individual in an amount of not less than 15 percent of the amount of the erroneous payment; and

''(B) The immediate deposit of all assessments paid pursuant to subparagraph (A) into the unemployment fund of the State.''.

(b) APPLICATION TO FEDERAL PAYMENTS.—

(1) IN GENERAL.—As a condition for administering any unemployment compensation program of the United States (as defined in paragraph (2)) as an agent of the United States, if the State determines that an erroneous payment was made by the State to an individual under any such program due to fraud committed by such individual, the State shall assess a penalty on such individual and deposit any such penalty received in the same manner as the State assesses and deposits such penalties under provisions of State law implementing section 303(a)(11) of the Social Security Act, as added by subsection (a).

(2) DEFINITION.—For purposes of this subsection, the term ''unemployment compensation program of the United States'' means—

(A) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

(B) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code;

(C) trade readjustment allowances under sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291–2294);

(D) disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a));

(E) any Federal temporary extension of unemployment compensation;

(F) any Federal program which increases the weekly amount of unemployment compensation payable to individuals; and

(G) any other Federal program providing for the payment of unemployment compensation.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) AUTHORITY.—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 252. PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.

(a) IN GENERAL.—Section 3303 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.—

''(1) IN GENERAL.—A State law shall be treated as meeting the requirements of subsection (a)(1) only if such law provides that an employer's account shall not be relieved of charges relating to a payment from the State unemployment fund if the State agency determines that—

''(A) the payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the agency for information relating to the claim for compensation; and

''(B) the employer or agent has established a pattern of failing to respond timely or adequately to such requests.

''(2) STATE AUTHORITY TO IMPOSE STRICTER STANDARDS.—Nothing in paragraph (1) shall limit the authority of a State to provide that an employer's account not be relieved of charges relating to a payment from the State unemployment fund for reasons other than the reasons described in subparagraphs (A) and (B) of such paragraph, such as after the first instance of a failure to respond timely or adequately to requests described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) AUTHORITY.—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 253. REPORTING OF REHIRED EMPLOYEES TO THE DIRECTORY OF NEW HIRES.

(a) DEFINITION OF NEWLY HIRED EMPLOYEE.—Section 453A(a)(2) of the Social Security Act (42 U.S.C. 653a(a)(2)) is amended by adding at the end the following:

''(C) NEWLY HIRED EMPLOYEE.—The term 'newly hired employee' means an employee who—

''(i) has not previously been employed by the employer; or

''(ii) was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirement imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirement before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

PART II—ADDITIONAL OFFSETS

SEC. 261. IMPROVEMENTS TO CONTRACTS WITH MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS (QIOS) IN ORDER TO IMPROVE THE QUALITY OF CARE FURNISHED TO MEDICARE BENEFICIARIES.

(a) AUTHORITY TO CONTRACT WITH A BROAD RANGE OF ENTITIES.—

(1) DEFINITION.—Section 1152 of the Social Security Act (42 U.S.C. 1320c–1) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) is able, as determined by the Secretary, to perform its functions under this part in a manner consistent with the efficient and effective administration of this part and title XVIII;

''(2) has at least one individual who is a representative of health care providers on its governing body; and''.

(2) NAME CHANGE.—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(A) in the headings for sections 1152 and 1153, by striking ''UTILIZATION AND QUALITY CONTROL PEER REVIEW'' and inserting ''QUALITY IMPROVEMENT'';

(B) in the heading for section 1154, by striking ''PEER REVIEW'' and inserting ''QUALITY IMPROVEMENT''; and

(C) by striking ''utilization and quality control peer review'' and ''peer review'' each place it appears before ''organization'' or ''organizations'' and inserting ''quality improvement''.

(3) CONFORMING AMENDMENTS TO THE MEDICARE PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(A) by striking ''utilization and quality control peer review'' and inserting ''quality improvement'' each place it appears;

(B) by striking ''quality control and peer review'' and inserting ''quality improvement'' each place it appears;

(C) in paragraphs (1)(A)(iii)(I) and (2) of section 1842(l), by striking ''peer review organization'' and inserting ''quality improvement organization'';

(D) in subparagraphs (A) and (B) of section 1866(a)(3), by striking ''peer review'' and inserting ''quality improvement'';

(E) in section 1867(d)(3), in the heading, by striking ''PEER REVIEW'' and inserting ''QUALITY IMPROVEMENT''; and

(F) in section 1869(c)(3)(G), by striking ''peer review organizations'' and inserting ''quality improvement organizations''.

(b) IMPROVEMENTS WITH RESPECT TO THE CONTRACT.—

(1) FLEXIBILITY WITH RESPECT TO THE GEOGRAPHIC SCOPE OF CONTRACTS.—Section 1153 of the Social Security Act (42 U.S.C. 1320c–2) is amended—

(A) by striking subsection (a) and inserting the following new subsection:

''(a) The Secretary shall establish throughout the United States such local, State, regional, national, or other geographic areas as the Secretary determines appropriate with respect to which contracts under this part will be made.'';

(B) in subsection (b)(1), as amended by subsection (a)(2)—

(i) in the first sentence, by striking ''a contract with a quality improvement organization'' and inserting ''contracts with one or more quality improvement organizations''; and

(ii) in the second sentence, by striking ''meets the requirements'' and all that follows before the period at the end and inserting ''will be operating in an area, the Secretary shall ensure that there is no duplication of the functions carried out by such organizations within the area'';

(C) in subsection (b)(2)(B), by inserting ''or the Secretary determines that there is a more qualified entity to perform one or more of the functions in section 1154(a)'' after ''under this part'';

(D) in subsection (b)(3)—

(i) in subparagraph (A), by striking '', or association of such facilities,''; and

(ii) in subparagraph (B)—

(I) by striking ''or association of such facilities''; and

(II) by striking ''or associations''; and

(E) by striking subsection (i).

(2) EXTENSION OF LENGTH OF CONTRACTS.—Section 1153(c)(3) of the Social Security Act (42 U.S.C. 1320c–2(c)(3)) is amended—

(A) by striking ''three years'' and inserting ''five years''; and

(B) by striking ''on a triennial basis'' and inserting ''for terms of five years''.

(3) AUTHORITY TO TERMINATE IN A MANNER CONSISTENT WITH THE FEDERAL ACQUISITION REGULATION.—Section 1153 of the Social Security Act (42 U.S.C. 1320c–2) is amended—

(A) in subsection (b), by adding at the end the following new paragraph:

''(4) The Secretary may consider a variety of factors in selecting the contractors that the Secretary determines would provide for the most efficient and effective administration of this part, such as geographic location, size, and prior experience in health care quality improvement. Quality improvement organizations operating as of January 1, 2012, shall be allowed to compete for new contracts (as determined appropriate by the Secretary) along with other qualified organizations and are eligible for renewal of contracts for terms five years thereafter (as determined appropriate by the Secretary).'';

(B) in subsection (c), by striking paragraphs (4) through (6) and redesignating paragraphs (7) and (8) as paragraphs (4) and (5), respectively; and

(C) by striking subsection (d).

(4) ADMINISTRATIVE IMPROVEMENT.—Section 1153(c)(5) of the Social Security Act (42 U.S.C. 1320c–2(c)(5)), as redesignated by this subsection, is amended to read as follows:

''(5) reimbursement shall be made to the organization on a monthly basis, with payments for any month being made consistent with the Federal Acquisition Regulation.''.

(c) AUTHORITY FOR QUALITY IMPROVEMENT ORGANIZATIONS TO PERFORM SPECIALIZED FUNCTIONS AND TO ELIMINATE CONFLICTS OF INTEREST.—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(1) in section 1153—

(A) in subsection (b)(1), as amended by subsection (b)(1)(B), by inserting after the first sentence the following new sentence: ''In entering into contracts with such qualified organizations, the Secretary shall, to the extent appropriate, seek to ensure that each of the functions described in section 1154(a) are carried out within an area established under subsection (a).''; and

(B) in subsection (c)(1), by striking ''the functions set forth in section 1154(a), or may subcontract for the performance of all or some of such functions'' and inserting ''a function or functions under section 1154 directly or may subcontract for the performance of all or some of such function or functions''; and

(2) in section 1154—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''Any'' and inserting ''Subject to subsection (b), any''; and

(II) by inserting ''one or more of'' before ''the following functions'';

(ii) in paragraph (4), by striking subparagraph (C);

(iii) by inserting after paragraph (11) the following new paragraph:

''(12) As part of the organization's review responsibility under paragraph (1), the organization shall review all ambulatory surgical procedures specified pursuant to section 1833(i)(1)(A) which are performed in the area, or, at the discretion of the Secretary, a sample of such procedures.''; and

(iv) in paragraph (15), by striking ''significant on-site review activities'' and all that follows before the period at the end and inserting ''on-site review activities as the Secretary determines appropriate''.

(B) by striking subsection (d) and redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following new subsection:

''(b) A quality improvement organization entering into a contract with the Secretary to perform a function described in a paragraph under subsection (a) must perform all of the activities described in such paragraph, except to the extent otherwise negotiated with the Secretary pursuant to the contract or except for a function for which the Secretary determines it is not appropriate for the organization to perform, such as a function that could cause a conflict of interest with another function.''.

(d) QUALITY IMPROVEMENT AS SPECIFIED FUNCTION.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c–3(a)) is amended by adding at the end the following new paragraph:

''(18) The organization shall perform, subject to the terms of the contract, such other activities as the Secretary determines may be necessary for the purposes of improving the quality of care furnished to individuals with respect to items and services for which payment may be made under title XVIII.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed on or after January 1, 2012.

SEC. 262. RATES FOR MERCHANDISE PROCESSING FEES.

(a) FEES FOR PERIOD FROM JULY 1, 2014, TO NOVEMBER 30, 2015.—For the period beginning on July 1, 2014, and ending on November 30, 2015, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting ''0.3464'' for ''0.21''; and

(2) in subparagraph (B)(i), by substituting ''0.3464'' for ''0.21''.

(b) FEES FOR PERIOD FROM OCTOBER 1, 2016, TO SEPTEMBER 30, 2019.—For the period beginning on October 1, 2016, and ending on September 30, 2019, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting ''0.1740'' for ''0.21''; and

(2) in subparagraph (B)(i), by substituting ''0.1740'' for ''0.21''.

SEC. 263. TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (9) and (10)) with respect to processing merchandise entered on or after October 1, 2012, and before November 12, 2012, shall be paid not later than September 25, 2012, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2011, and before November 12, 2011, as determined by the Secretary of the Treasury.

(b) RECONCILIATION OF MERCHANDISE PROCESSING FEES.—

(1) IN GENERAL.—Not later than December 12, 2012, the Secretary of the Treasury shall reconcile the fees paid pursuant to subsection (a) with the fees for services actually provided on or after October 1, 2012, and before November 12, 2012.

(2) REFUNDS OF OVERPAYMENTS.—

(A) After making the reconciliation required under paragraph (1), the Secretary of the Treasury shall refund with interest any overpayment of such fees made under subsection (a) and make proper adjustments with respect to any underpayment of such fees.

(B) No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2012, and before November 12, 2012.

SA 634. Mr. CORNYN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SALE OF F–16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on ''Military and Security Developments Involving the People's Republic of China,'' found that ''China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-Strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing's terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-Strait military forces and capabilities continues to shift in the mainland's favor.'' In this report, the Department of Defense also concludes that, over the next decade, China's air force will remain primarily focused on ''building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing's terms''.

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan's air force in an unclassified report, dated January 21, 2010. The DIA found that, ''[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.'' The report concluded, ''Many of Taiwan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F–5 aircraft will reduce the total size of the Taiwan Air Force.''

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F–16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F–16C/Ds to Taiwan ''would generate some $8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,'' including 23,407 direct jobs, while ''economic benefits would likely be realized in 44 states and the District of Columbia''.

(5) The sale of F–16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F–16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China's two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-Strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China's favor;

(4) China's military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan's air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan's existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F–16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

SA 635. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109–416); which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. FUNDING.

Notwithstanding any other provision of law, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, may continue to fund programs authorized under part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) using funds otherwise available to the Secretary or the Directors, and shall identify and consolidate duplicative and overlapping autism programs and initiatives throughout the Federal Government.

SA 636. Mr. CARDIN (for himself, Mr. SCHUMER, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE ____—MODIFICATION OF WOOL TRUST FUND

SEC. ___01. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended—

(1) in subparagraph (A), by striking ''subject to the limitation in subparagraph (B)'' and inserting ''subject to subparagraphs (B) and (C)''; and

(2) by adding at the end the following new subparagraph:

''(C) ALTERNATIVE FUNDING SOURCE.—Subparagraph (A) shall be applied and administered by substituting 'chapter 62' for 'chapter 51' for any period of time with respect to which the Secretary notifies Congress that amounts determined by the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (6).''.

(b) FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR YEARS 2010 AND 2011.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by

the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 51 or chapter 62 of the Harmonized Tariff Schedule of the United States (as determined under section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600)), subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

(d) CONFORMING AMENDMENTS.—Title IV of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended by striking ''Bureau of Customs and Border Protection'' each place it appears and inserting ''U.S. Customs and Border Protection''.

(e) DISCRETIONARY AUTHORITY.—

(1) IN GENERAL.—Section 4002(c)(3) of Public Law 108–429 is amended by inserting ''(or to protect domestic manufacturing employment, and at the sole discretion of the U.S. Customs and Border Protection, no later than April 15)'' after ''March 1 of the year of the payment''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective for payment year 2011 and thereafter.

SA 637. Mr. BINGAMAN (for himself, Mr. AKAKA, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 65, strike line 21 and all that follows through page 66, line 6, and insert the following:

(a) FEES FOR PERIOD FROM OCTOBER 1, 2011, TO NOVEMBER 30, 2015.—

(1) IN GENERAL.—For the period beginning on October 1, 2011, and ending on November 30, 2015, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(A) in subparagraph (A), by substituting ''0.3474'' for ''0.21''; and

(B) in subparagraph (B)(i), by substituting ''0.3474'' for ''0.21''.

(2) AVAILABILITY OF FUNDS FOR TRADE ENFORCEMENT.—Of the amount of fees received under section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) for the period beginning October 1, 2011, and ending December 31, 2014, not to exceed $15,000,000 shall be available to the Office of the United States Trade Representative until December 31, 2014, for activities relating to trade enforcement.

SA 638. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. REPORTS ON ECONOMIC AND EMPLOYMENT IMPACT OF FREE TRADE AGREEMENTS.

Not later than 10 years after the date of the enactment of this Act, and every 10 years thereafter, the United States International Trade Commission shall submit to Congress a report on the impact of free trade agreements to which the United States is a party on the economy of, and employment in, the United States.

SA 639. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—CITRUS DISEASE RESEARCH AND DEVELOPMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Citrus Disease Research and Development Trust Fund Act of 2011''.

SEC. ____02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from $50,000,000 to $87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as ''HLB'' or ''citrus greening disease'') and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than $3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately $13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 3(a) of this Act.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this Act restricts the use of any funds for scientific research and technical activities in the United States.

SEC. ____03. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

''TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

''SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Citrus Disease Research and Development Trust Fund' (in this section referred to as the 'Trust Fund'), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

''(b) TRANSFER OF AMOUNTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund amounts that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

''(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

''(A) an amount equal to ⅓ of the amount attributable to the duties received on articles described in paragraph (1); or

''(B) $30,000,000.

''(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

''(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

''(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

''(A) for expenditures relating to citrus disease research and development under section ___04 of the Citrus Disease Research and Development Trust Fund Act of 2011, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

''(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

''(d) INVESTMENT OF TRUST FUND.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

''(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

''(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

''(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

''(3) an assessment of the amounts available in the Trust Fund for future expenditures.

''(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2011.

''(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2011 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

''SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.

''The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the President determines that entering into the trade agreement could result—

''(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

''(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2011.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

''TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

''Sec. 1001. Citrus Disease Research and Development Trust Fund.

''Sec. 1002. Reports required before entering into certain trade agreements.''.

SEC. ___04. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD.

(a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 3(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term ''citrus'' means edible fruit of the family Rutaceae, commonly called ''citrus''.

(B) INCLUSION.—The term ''citrus'' includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) PERSON.—The term ''person'' means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term ''producer'' means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term ''program'' means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST FUND.—The term ''Trust Fund'' means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section ___3(a) of this title.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to $2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of enactment of this Act.

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. __03. MODIFICATION OF STANDARD FOR PROVISIONS THAT MAY BE INCLUDED IN IMPLEMENTING BILLS.

Section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)), as amended by section __02, is further amended in paragraph (3)(B) by striking clause (ii) and inserting the following:

''(ii) provisions that are necessary to the implementation and enforcement of such trade agreement.''.

SA 641. Mr. HATCH proposed an amendment to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; as follows:

On page 31 of the amendment, between lines 7 and 8, insert the following:

SEC. 231. EFFECTIVE DATE FOR TRADE ADJUSTMENT ASSISTANCE CONTINGENT ON ENACTMENT OF CERTAIN FREE TRADE AGREEMENT IMPLEMENTING BILLS.

Notwithstanding section 201(b) or any other provision of this subtitle, the amendments made by this subtitle shall take effect on the date on which the United States–Korea Free Trade Agreement Implementation Act, the United States–Colombia Trade Promotion Agreement Implementation Act, and the United States–Panama Trade Promotion Agreement Implementation Act have been enacted into law.

SA 642. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 31 of the amendment, between lines 6 and 7, insert the following:

SEC. 224. MODIFICATION OF TRADE ADJUSTMENT ASSISTANCE ELIGIBILITY REQUIREMENTS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211(a), is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(iii), by striking ''contributed importantly to such workers' separation or threat of separation and to'' and inserting ''was a substantial cause of such workers' separation or threat of separation and of''; and

(B) in subparagraph (B)(ii), by striking ''contributed importantly to'' and inserting ''was a substantial cause of'';

(2) in paragraph (3)(B) of subsection (b), as redesignated by section 211(a), by striking ''contributed importantly to'' and inserting ''was a substantial cause of''; and

(3) in subsection (c), as redesignated and amended by section 211(a), by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(C), by striking ''contributed importantly to such total or partial separation, or threat thereof, and to'' and inserting ''were a substantial cause of such total or partial separation, or threat thereof, and of''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A);

(ii) by striking ''(B)''; and

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left.

(c) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—

(1) IN GENERAL.—Section 292(c)(3) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(3)) is

amended by striking ''contributed importantly to'' and inserting ''was a substantial cause of''.

(2) CONFORMING AMENDMENT.—Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SA 643. Ms. CANTWELL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE ___—AFFORDABLE FOOTWEAR

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Affordable Footwear Act of 2011''.

SEC. ___02. FINDINGS.

Congress finds the following:

(1) Average collected duties on imported footwear are among the highest of any product sector, totaling approximately $2,000,000,000 during 2010.

(2) Duty rates on imported footwear are among the highest imposed by the United States Government, with some as high as the equivalent of 67.5 percent ad valorem.

(3) The duties currently imposed by the United States were set in an era during which high rates of duty were intended to protect production of footwear in the United States.

(4) Footwear produced in the United States supplies only about 1 percent of the total United States market for footwear. This production is concentrated in distinct product groupings, which are not affected by the provisions of this title.

(5) Footwear duties, which are higher on lower-price footwear, serve no purpose and are a hidden, regressive tax on those people in the United States least able to pay.

(6) Low- and moderate-income families spend a larger share of their disposable income on footwear than higher-income families.

(7) The outdoor industry develops innovative and high performance footwear that promotes healthy and active lifestyles through outdoor recreation.

SEC. ___03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) there is no production in the United States of many footwear articles;

(2) the reduction or elimination of duties on such articles will not negatively affect manufacturing or employment in the United States; and

(3) the reduction or elimination of duties on such articles will result in reduced retail prices for a wide range of consumers.

SEC. ___04. AMENDMENT TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

The Additional Notes to chapter 64 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

''5. For the purposes of determining the constituent material of the outer sole pursuant to Note 4(b) of this chapter, the constituent material of an outer sole consisting of rubber or plastics to which textile materials are attached or into which such materials are otherwise incorporated shall be deemed to be only rubber or plastics, and no account shall be taken of the textile materials.''.

SEC. ___05. TEMPORARY ELIMINATION OR REDUCTION OF DUTIES ON CERTAIN FOOTWEAR.

(a) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

''20. For the purposes of headings 9902.64.25 through 9902.64.58:

''(a) The term 'footwear for men' means footwear of American men's size 6 and larger for males and does not include footwear commonly worn by both sexes.

''(b) The term 'footwear for women' means footwear of American women's size 4 and larger, whether for females or of types commonly worn by both sexes.

''(c)(i) The term 'work footwear' means, in addition to footwear for men or footwear for women having a metal toe-cap, footwear for men or footwear for women that—

''(A) has outer soles of rubber or plastics;

''(B) is of a kind designed for use by persons employed in occupations such as those related to the agricultural, construction, industrial, public safety, or transportation sectors that are not normally worn as casual, dress, or similar lightweight footwear; and

''(C) has special features to protect against hazards in the workplace (such as resistance to chemicals, compression, grease, oil, penetration, slippage, or static-buildup).

''(ii) 'Work footwear' does not cover—

''(A) sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like;

''(B) footwear designed to be worn over other footwear;

''(C) footwear with open toes or open heels; or

''(D) footwear (except footwear covered by heading 6401) of the slip-on type or other footwear that is held to the foot without the use of laces or a combination of laces and hooks or other features.

''(d) The term house slippers means footwear of the slip-on type designed solely for casual indoor use. The term 'house slippers' includes—

''(i) footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, nongrain leather, or textile material;

''(ii) footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; and

''(iii) footwear which, when measured at the ball of the foot, has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which, when measured in the same manner at the area of the heel, has a thickness equal to or less than that at the ball of the foot.

''(e) For purposes of subheadings 9902.64.28, 9902.64.32, and 9902.64.51, the dollar amount specified as the value of a good shall be as follows:

''(i) In calendar years 2011 through 2013, $22/pair.

''(ii) In calendar years 2013 through 2016, $24/pair.

''(f) The term waterproof footwear means footwear designed to protect against penetration by water or other liquids, whether or not such footwear is primarily designed for such purposes.''.

(b) AMENDMENTS TO HTS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

''	9902.64.25	Vulcanized rubber lug boot bottoms for actual use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2016
	9902.64.26	Sports footwear with outer soles and uppers of rubber or plastics (other than golf shoes), having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements) is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper); the foregoing not including footwear for women (provided for in subheading 6402.19.15)	Free	No change	No change	On or before 12/31/2016
	9902.64.27	Footwear (other than work footwear or footwear designed to be worn over or in lieu of other footwear as a protection against water, oil, grease or chemicals, or cold or inclement weather) with outer soles and uppers of rubber or plastics, covering the ankle, not incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6402.91.40)	Free	No change	No change	On or before 12/31/2016

9902.64.28	Footwear (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles and uppers of rubber or plastics, valued over the dollar amount specified in U.S. Note 20(e) to this chapter, whose height from the bottom of the outer sole to the top of the upper does not exceed 20.32 cm if for men or women or does not exceed 17.78 cm if for persons other than men or women, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, and where such protection includes protection against water imparted by the use of a coated or laminated fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2016
9902.64.29	Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, for men or women, such footwear which from the bottom of the outer sole to the top of the upper does not exceed 13 cm or which exceeds 21 cm, or regardless of height is slip-on footwear (provided for in subheading 6402.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.30	Tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.31	Footwear with outer soles and uppers of rubber or plastic, not covering the ankle, other than work footwear or house slippers (provided for in subheading 6402.99.31)	Free	No change	No change	On or before 12/31/2016
9902.64.32	Footwear (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles and uppers of rubber or plastics, valued over the dollar amount specified in U.S. Note 20(e) of this chapter, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, and where such protection includes protection against water imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.33)	Free	No change	No change	On or before 12/31/2016
9902.64.33	Footwear with outer soles and uppers of rubber or plastics, other than house slippers (provided for in subheading 6402.99.40)	Free	No change	No change	On or before 12/31/2016
9902.64.34	Footwear with outer soles and uppers of rubber or plastics other than house slippers (provided for in subheading 6402.99.70)	Free	No change	No change	On or before 12/31/2016
9902.64.35	Footwear with outer soles and uppers of leather, covering the ankle, other than footwear for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2016
9902.64.36	Footwear for men, and footwear for youths and boys, covering the ankle, valued over $12/pair, such footwear which from the bottom of the outer sole to the top of the upper does not exceed 13 cm or which exceeds 21 cm, or regardless of height is waterproof footwear, other than work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, and other than slip-on footwear (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016
9902.64.37	Slip-on footwear for men and footwear for youths and boys covering the ankle; such footwear with sole components, including any mid-soles but excluding any inner soles, which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued over $20/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016
9902.64.38	Footwear for men, other than slip-on footwear, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, valued not over $12/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016
9902.64.39	Footwear for youth and boys other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016

9902.64.40	Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, valued over $12/pair, such footwear of a height which from the bottom of the outer sole to the top of the upper does not exceed 13 cm, or which exceeds 21 cm, or regardless of height, is waterproof footwear, or footwear where the difference in height between the bottom of the sole at the ball of the foot to the top of the midsole and from the bottom of the heel to the top of the midsole is over 30 mm, other than work footwear and other than slip-on footwear (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.41	Slip-on footwear (other than footwear for men or footwear for youths or boys) covering the ankle; such footwear with a heel over 15 mm in height as measured from the bottom of the sole or sole components (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued over $20/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.42	Footwear for women other than slip-on footwear, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, valued not over $12/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.43	Footwear for persons other than women, other than slip-on footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.44	Tennis shoes, basketball shoes, gym shoes, training shoes and the like for youths and boys (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2016
9902.64.45	Footwear valued over $2.50/pair (other than footwear for men, youths and boys, house slippers, work footwear and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like) (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2016
9902.64.46	Sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.11.50, 6404.11.60, 6404.11.70 or 6404.11.80)	Free	No change	No change	On or before 12/31/2016
9902.64.47	Sports footwear (other than ski boots, cross country ski footwear and snowboard boots) for persons other than men or women (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2016
9902.64.48	Ski boots, cross country ski footwear and snowboard boots for men or women (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2016
9902.64.49	Tennis shoes, basketball shoes, gym shoes, training shoes and the like, covering the ankle, for men and women (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2016
9902.64.50	Footwear with outer soles of rubber or plastics and uppers of textile materials, having uppers of which over 50 percent of the external surface area is leather (provided for in subheading 6404.19.15)	Free	No change	No change	On or before 12/31/2016
9902.64.51	Footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles of rubber or plastics and uppers of textile materials, valued over the dollar amount specified in U.S. Note 20(e) to this chapter, whose height from the bottom of the outer sole to the top of the upper does not exceed 20.32 cm if for men or women, or does not exceed 17.78 cm if for persons other than men or women, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather and where such protection includes protection against water imparted by the use of a coated or laminated fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2016
9902.64.52	Footwear for men with outer soles of rubber or plastics and uppers of vegetable fibers, other than house slippers (provided for in subheading 6404.19.25)	Free	No change	No change	On or before 12/31/2016
9902.64.53	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.35)	Free	No change	No change	On or before 12/31/2016

9902.64.54	Footwear for women, with outer soles of rubber or plastics and uppers of textile materials other than house slippers (provided for in subheading 6404.19.50)	Free	No change	No change	On or before 12/31/2016	
9902.64.55	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided from subheading 6404.19.60, 6404.19.70, 6404.19.80, or 6404.19.90)	Free	No change	No change	On or before 12/31/2016	
9902.64.56	Footwear with uppers of leather or composition leather for men (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2016	
9902.64.57	Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.90)	Free	No change	No change	On or before 12/31/2016	
9902.64.58	Footwear not elsewhere provided for in chapter 64 (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2016.	''.

SEC. ___06. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on the 15th day after the date of the enactment of this title; and

(2) apply to articles entered, or withdrawn from warehouse for consumption, on or after such day.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 20, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objeciton, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 20, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform Options: Incentives for Innovation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Seante, on September 20, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on September 20, 2011, at 10 a.m., to conduct a hearing entitled ''New Ideas to Address the Glut of Foreclosed Properties.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on September 20, 2011, at 9:30 a.m. in order to conduct a hearing entitled, ''Intelligence Community Contractors: Are We Striking the Right Balance?''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Andi Lipstein Fristedt, a detailee to the Senate HELP Committee, be granted floor privileges for the duration of Senate floor business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that the following members of the Finance Committee staff be granted floor privileges during consideration of the Generalized System of Preferences Act: Derrick Riggins, Chris Arneson, Miranda Dalpiaz, Nick Malinak, Cosimo Thawley, Tyler Evilsizer, Stephen McGraw, and Claire Green.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, as amended by Public Law 111–259, announces the appointment of the Senator from Indiana, Mr. COATS, to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

UNANIMOUS CONSENT AGREEMENT—H.R. 2832

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow, Wednesday, September 21, the Senate resume consideration of H.R. 2832, the general trade preference legislation; that following reporting of the bill, Senator MCCAIN or his designee be recognized to call up amendment No. 625; that the time until 12:30 be equally divided between the two leaders or their designees for debate on the McCain and Hatch amendments; further, at 12:30 the Senate proceed to votes in relation to the Hatch amendment No. 641 and McCain amendment No. 625, in that order; that there be 2 minutes equally divided prior to each vote, there be no amendments, points of order, or motions in order to either amendment prior to the votes on the amendment other than budget points of order and the applicable motions to waive; that each amendment be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 21, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for

1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 2832, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Tomorrow there will be two rollcall votes at about 12:30 in relation to the Hatch and McCain amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent we adjourn under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Wednesday, September 21, 2011, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 2011:

THE JUDICIARY

JOHN ANDREW ROSS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.

TIMOTHY M. CAIN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.